

August 3, 2004

VIA EFILING

Hon. Edward M. Chen
 United States Magistrate Judge
 450 Golden Gate Avenue
 San Francisco, CA 94102

RE: Synopsys, Inc. v. Ricoh Company, Ltd.
Case No. C03-02289 MJJ (EMC)
Ricoh Company, Ltd. v. Aeroflex, Inc., et al.
Case No. C03-04669 MJJ (EMC)

Dear Magistrate Judge Chen:

The parties respectfully submit this joint letter with respect to Synopsys' motion to compel Ricoh to produce the KBSC system software. This system software has been identified in the patent as the preferred embodiment of the invention of the '432 patent (see col.2:50-64 and 4:49-50) and has been identified by Ricoh as embodying the asserted claims of the patent (see Ricoh's disclosure regarding Patent Local Rule 3-1(f) served June 21, 2004 "the early implementations and variations of the KBSC system . . .").

Synopsys seeks this discovery in preparation for the tutorial and claim construction hearing. Synopsys believes the KBSC software would be helpful in understanding the general purpose and functioning of the claimed invention and directly relevant to gauge the correctness of Synopsys' and Ricoh's proposed constructions vis-à-vis the preferred embodiment. In his Order Regarding Tutorial and Claim Construction Hearing filed July 26, 2004, Judge Jenkins ordered a tutorial consisting of a neutral expert presentation to the Court showing how the invention in the '432 patent works, and directed the parties to meet and confer regarding the details of the tutorial presentation. The Order does not decide any discovery issues. Synopsys believes Ricoh has once again read much into an order from Judge Jenkins that simply is not there.

Ricoh responds that the motion should be denied for four reasons: (1) On July 22, Judge Jenkins specifically rejected Synopsys' request that Ricoh be required to produce the KBSC system software. (2) Discovery of the KBSC system software is not relevant to claim construction issues. (3) The motion violates this Court's stay of discovery. (4) On July 28, this Court deferred discovery on all extrinsic evidence relating to claim construction, which includes the KBSC system software. In any event, Synopsys is aware that to date Ricoh has been unable to locate the KBSC system software.

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Synopsys' position

Simply put, Judge Jenkins ordered that the tutorial would be a single “neutral expert presentation to the Court showing how the invention in the patent-in-suit works” and directed the parties “to meet and confer regarding details of the tutorial presentation to the Court.” He did not deny the production of the KBSC software. The KBSC software is relevant to the Markman process, and Ricoh’s failure “to date” to find the software is disingenuous. Mr. Brothers said he could not confirm that Ricoh had performed a reasonable search for the software requested. Apparently Ricoh unilaterally redefined the scope of our requests to a single 1987 version of the software, and did a “quick search you could do in the two business days” between our meet and confer conferences. (Exs. C & D, Hocker’s 7/23/04 & 7/29/04 letters to Brothers.) Ricoh then stated it would look no further for the software without a court order.

Ricoh’s submission clouds the issue. What one of ordinary skill in the art would understand the claimed invention to be is the focus of the tutorial and claim construction hearing. In this action, the only independent claim at issue, Claim 13, requires performance of the steps of “describing . . . a series of architecture independent actions and conditions” and “specifying for each described action and condition of the series one of said stored definitions” Synopsys and Ricoh have proposed very different constructions for these two steps. Synopsys has proffered constructions consistent with the patent specification and the agreement made with the examiner during the prosecution of the ‘432 patent. It is particularly significant that the examiner wrote after an interview with the patentee’s attorney:

“It is agreed that the features ‘flowchart editor’ and ‘expert system for translating the flowchart into a netlist defining the necessary hardware cells of the integrated circuit’ are patentably distinct from the reference identified above. Thus, applicant’s attorney will amend the claims to include those features.” *See* Examiner Interview Summary Record, dated October 19, 1989.

Synopsys believes that input in the form of a flowchart is required and that this is consistent with how one of skill in the art would read the patent specification and file history. It is also consistent with the functioning of the Knowledge Based Silicon Compiler (KBSC) software, which is the preferred embodiment, and only embodiment disclosed in the patent. The KBSC software, which was developed by the named inventors from Ricoh and ICC at the time of filing the patent, would be very instructive on how one skilled in the art would understand what was being done during the “describing” and “specifying” steps. Further, the operating software would breathe life into the claim language and demonstrate in three dimensions how the claimed invention works. We understand Ricoh would prefer to not to have such a clear demonstration of the errors in its proffered claim constructions.

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The KBSC system software is relevant to the tutorial and claim construction hearing.

The Federal Circuit has repeatedly stated when construing the claims of a patent that “[a]n interpretation that defines the invention in a manner that excludes a preferred embodiment is rarely, if ever, correct . . .” *SRAM Corp. v. AD-II Eng’g, Inc.*, 252 F.Supp.2d 712, 716 (N.D. Ill. 2003) (citing *Rheox, Inc. v. Entact, Inc.*, 276 F.3d 1319, 1327 (Fed. Cir. 2002)). Thus, the preferred embodiment is relevant to gauge the correctness of Synopsys’ and Ricoh’s proposed constructions. The KBSC system software is clearly identified as the preferred embodiment. *See* the ’432 patent col.2:50-54, 4:49-50; *see also* spec. references col. 3:9-15; 4:7-11; 5:13-29, 49-59; 6:15-18; 12:61-64.

Second, Ricoh attempts to bootstrap an argument that, because limitations of the embodiment should not be read into claims, software embodying the invention is irrelevant. This logic is flawed. Relevance is a distinct and separate question from how such evidence may be properly used. Indeed, the Federal Circuit has stated “[i]n determining whether a preferred embodiment is excluded by a certain claim construction, we may look to extrinsic evidence so long as the extrinsic evidence does not ‘contradict the meaning otherwise apparent from the intrinsic evidence.’” *Dow Chemical Co. v. Sumioto Chemical Company Co, Ltd.*, 257 F.3d 1364, 1377 n.13 (Fed. Cir. 2001).

Even if the operating software identified as the preferred embodiment is extrinsic to the patent, it is relevant to the tutorial and claim construction and should be discoverable. The software could be helpful to the Court in determining how persons of ordinary skill would, at the time of the patent, have understood the language of the claims. The Federal Circuit has explained that “[i]n fact, ‘it is entirely appropriate, perhaps even preferable, for a court to consult trustworthy extrinsic evidence to ensure that the claim construction . . . is not inconsistent with clearly expressed, plainly apposite and widely held understandings in the pertinent technical field.’” *Plant Genetic Sys., N.V. v. DeKalb Genetics Corp.*, 315 F.3d 1335 (Fed. Cir. 2003) (quoting *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1309 (Fed. Cir. 1999)). The admonishment is only that “[e]xtrinsic evidence is to be used for the court’s understanding of the patent, not for the purpose of varying or contradicting the terms of the claims.” *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 981 (Fed. Cir. 1995) (*en banc*).

Further, the case law regarding how an embodiment may be used in construing the claims is in a state of flux. In fact the old saw that an embodiment should not be used to read in a limitation inconsistent with the claim language has recently been put into question. The Federal Circuit last week granted an *en banc* hearing regarding the Court’s claim construction rules. *See Phillips v. AWH Corp.*, 03-1269, 03-1286 (Fed. Cir. July 21, 2004). One of the many enumerated questions to be addressed is: when only a single embodiment is disclosed and no other indications of breadth are disclosed, should the ordinary meaning be limited to that disclosure. Understanding the preferred and only embodiment disclosed in the patent may be highly relevant—depending on the Federal Circuit’s ruling in *Phillips*.

Finally, to preserve the right to rely on the assertion that “its own apparatus, product, device . . . practices the claimed invention”, Patent Local Rule 3-1(f) required Ricoh to “identify,

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separately for each asserted claim, each such apparatus, product, device . . . that incorporates or reflects that particular claim.” Ricoh failed to provide a claim-by-claim disclosure, but it did identify “the early implementations and variations of the KBSC system” in its required disclosure of contentions. (See Ricoh’s Amended Disclosure regarding Patent Local Rule 3-1(f) served June 21, 2004). While Ricoh would like to rely on this very software for its own purposes, and indeed identified it as relevant because it incorporates or reflects the asserted claims, it withholds the KBSC software from Synopsys and the defendants. Ricoh’s contention that this software embodies the claims is directly related to certain construction of the claims. Synopsys ought to be allowed to demonstrate the operation of the KBSC system to the Court, so that the Court can see for itself how naturally the operation of the KBSC system is reflected in the language of the claims at issue – and how unlikely it is that anyone of ordinary skill at the time of Ricoh’s patent application would have given these claims the construction that Ricoh is advancing to this Court.

Ricoh’s cited cases stand for two claim construction principles that do not render the preferred, and commercial, embodiment irrelevant. The first rule of construction implicated is that the claim language, not the preferred embodiment, determines claim scope.¹ While possibly true, the preferred embodiment is relevant for the reasons stated above. The second rule of construction Ricoh cites is the unremarkable position that extrinsic evidence may not be relied on to give claim terms a meaning inconsistent with the intrinsic evidence. Synopsys does not argue that the Court should rely on extrinsic evidence to contradict the clear and unambiguous meaning of claim limitations, and has no plan to do so. If Synopsys relies on the KBSC software to support its view of the ordinary meaning of the claim terms, Ricoh will have an opportunity at that time to challenge the use of such evidence. At this juncture, such arguments are premature. Synopsys has suggested the multiple ways in which the KBSC software, the preferred and only embodiment in the patent, may be relevant to claim construction. Ricoh cannot preempt otherwise relevant discovery by arguing that it may be used for an improper purpose.

Judge Jenkins ordered that the tutorial shall consist of a neutral expert presentation on how the invention in the patent-in-suit works, explaining in the telephone status conference prior to this order that he wanted a presentation of “how whatever the patent teaches, how that actually, in three-dimensional real time, works.” See 7/14/04 Transcript at page 5. We believe the software developed at or near the time of filing by the inventors, and called out in the patent as the preferred embodiment, could provide such a three-dimensional real time demonstration. We would like the opportunity to review the software and determine for ourselves whether it should be something brought to the Court’s attention.

Synopsys believes the KBSC system software would be responsive to document requests directed to Ricoh, Nos. 2, 18, 35, 38, 41, 42 and 43 served November 20, 2003 (Ex. A) and document requests Nos. 52-55 served July 16, 2004. (Ex. B)² Document requests Nos. 2, 42, 56

¹ As noted this rule of construction may be in question due to the Federal Circuit granting an *en banc* hearing in *Phillips v. AWH Corp.*, 03-1269, 03-1286 (Fed. Cir. July 21, 2004).

² Discovery related to claim construction closes August 12, 2004. Ricoh had already stated it would not produce the requested software due to Judge Jenkins’ limited stay. The issue was

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and 57 to Ricoh request the software FlowHDL and BlockHDL, which we understand, from documents produced by Ricoh, to be products derived from the KBSC system software. We ask that the FlowHDL and BlockHDL software be produced at this time only if the KBSC system software cannot be located. These products, while later than the KBSC software, carry over many – though not all – of the relevant features of the KBSC system. We are not requesting that every version of the KBSC system software be produced at this time. If there are several versions of the software, we are asking only for the version closest to the filing date of the '432 patent. We conferred with Ricoh's counsel on July 23, 27 and 30 regarding production of the KBSC system software. Ricoh's position is that it is under no obligation to produce the software because it is irrelevant to claim construction.

We ask this Court to order Ricoh to produce the version of the "early implementations and variations of the KBSC system" that is closest to the filing date of the patent, and the related documents describing that system, including the source code—and that if none of the KBSC system software can be found, that Ricoh produce the software and documents related to the earliest versions of FlowHDL and BlockHDL.

Ricoh's position³

Judge Jenkins has specifically rejected Synopsys' request that Ricoh be required to produce the KBSC system software. At a hearing on July 14, Judge Jenkins stated that he would not consider extrinsic evidence at the claim construction hearing. The parties were unable to agree upon a proposed order memorializing this ruling, and on July 15 they submitted a proposed order with two alternatives, as follows:

Ricoh's Proposal

The tutorial scheduled for October 20, 2004, shall consist of a neutral expert presentation to the Court showing how the invention in the patent-in-suit works. The expert shall only be questioned by the Court. The parties are directed to meet and confer regarding the details of the tutorial presentation to the Court.

Synopsys And Defendants' Proposal

The tutorial scheduled for October 20, 2004, shall consist of a neutral expert demonstration(s) to the Court showing how the product of United States Patent No.

joined. Given the limited time and relatedness of the issues, and the early intervention joint letter procedure, Synopsys included the second set of requests at this time for reasons of immediacy and judicial economy.

³ Ricoh's response to Synopsys' second request for production of documents is not due until August 16, 2004. Synopsys' motion to compel the production of documents in response to those requests is premature, and Ricoh objects on that basis. This response is limited to Synopsys' first set of document requests. By engaging in this joint letter, Ricoh does not waive its applicable objections to those requests. (Ex. E, Ricoh's 12/22/03 Responses to Synopsys' First Set of Document Requests.)

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4,922,432 ("the '432 patent) works. Synopsys and the Defendants believe that this is the product referred to in the '432 patent as the Knowledge Based Silicon Compiler (KBSC) system or software ("KBSC software"). The expert (or experts) shall only be questioned by the Court. The parties are directed to meet and confer regarding the details of the demonstration(s) for the Court at the tutorial. *Prior to any such meet and confer, Ricoh shall provide Synopsys and Defendants with working copies of the KBSC software or any other '432 patent product(s) that will be demonstrated at the tutorial.*

(D.I. 219, 7/15/04 joint letter with proposed order, emphasis added.) Thus, Synopsys' proposal sought the very discovery that they now seek by this motion.

On July 22, 2004, however, Judge Jenkins explicitly rejected Synopsys' proposal. The Court crossed out Synopsys' proposal that would have required "Ricoh [to] provide Synopsys and Defendants with working copies of the KBSC software." (D.I. 230.) Thus, Judge Jenkins specifically considered and rejected the exact relief that Synopsys now seeks. Synopsys is improperly attempting to have this Court overrule Judge Jenkins' explicit ruling.

The KBSC system software is not relevant to claim construction issues. In patent cases, it is error for a court to rely on what may be a commercial embodiment in construing the claims. *See Sport Squeeze, Inc. v. Pro-Innovative Concepts, Inc.*, 51 U.S.P.Q.2d 1764, 1765 n.1 (S.D. Cal. 1999) ("the construction of the claims in a patent does not depend on how those patents were commercially implemented"), citing *Zenith Lab. v. Bristol Myers Squibb Co.*, 19 F.3d 1418, 1423 (Fed Cir. 1994) ("As we have repeatedly said, it is error for a court to compare in its infringement analysis the accused product or process with the patentee's commercial embodiment or other version of the product or process; the only proper comparison is with the claims of the patent"); *International Visual Corp. v. Crown Metal Mfg. Corp.*, 991 F.2d 768, 771-72 (Fed. Cir. 1988) ("In concluding that the claims are limited to a plastic housing, the court apparently focused on the HUGGER, IVC's commercial embodiment of the '780 patent, which has a plastic housing. This was erroneous since 'infringement is determined on the basis of the claims, not on the basis of a comparison with the patentee's commercial embodiment of the claimed invention.'")

Synopsys does not directly dispute this fundamental principle of claim construction, but suggests that the law is "in a state of flux"; however, Synopsys cites no cases indicating that the law is in a state of flux on extrinsic evidence relating to a commercial embodiment.⁴ Further, the fact that the Federal Circuit may someday in the future reexamine the relationship between intrinsic and extrinsic evidence does not change the current law that extrinsic evidence relating to a commercial embodiment may not be used to limit the claims. *CSS v. Brunswick*, 288 F.3d 1359, 1366 (Fed. Cir. 2002) ("An accused infringer may overcome this 'heavy presumption'

⁴ The recent en banc order cited by Synopsys, *Phillips v. AWH Corp.*, 03-1269, 03-1286 (Fed. Cir. July 21, 2004), relates to an embodiment disclosed in the patent specification, i.e. intrinsic evidence, and not a commercial embodiment, i.e. extrinsic evidence. A plaintiff's product is extrinsic evidence. *See Rival v. Sunbeam*, 987 F.Supp. 1167, 1171 (W.D. Mo 1997), *aff'd*, 1999 U.S. App. Lexis 2768 (Fed. Cir. Feb. 23, 1999).

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[that a claim term carries its ordinary and customary meaning] and narrow a claim term's ordinary meaning, but he cannot do so simply by pointing to the preferred embodiment or other structures or steps disclosed in the specification or prosecution history."); *Gart v. Logitech*, 254 F.3d 1334, 1343 (Fed. Cir. 2001) ("it is well established that broad claims supported by the written description should not be limited in their interpretation to a preferred embodiment"); *Northern Telecom v. Samsung*, 215 F.3d 1281, 1293 (Fed. Cir. 2000) ("This court consistently declines to construe claim terms according to the preferred embodiment").

Synopsys' attempt to distinguish between relevance and admissibility is nonsense. Relevance is the threshold test. Synopsys seeks discovery of an embodiment so it can inappropriately attempt to apply the claims to a product without first construing the claims as required. Synopsys' reliance upon *Dow Chemical Co. v. Sumioto Chemical Company Co, Ltd.*, 257 F.3d 1364 (Fed. Cir. 2001), is misplaced, because that court confirmed that "the meaning of the claim limitation is apparent from a review of the intrinsic evidence alone, and it is improper for us to rely on extrinsic evidence other than that used to determine the ordinary meaning. (*Id.* at 1378, emphasis added.) As *CSS*, *Gart* and *Samsung* make clear, an embodiment simply is not relevant for claim construction purposes.⁵

Synopsys' motion violates this Court's stay of discovery. In May 2004, this Court made clear that there would be no discovery on the merits until after the claim construction ruling. Discovery of the KBSC system software is merits discovery. Despite Synopsys' efforts to contort a potential commercial embodiment as relevant to construction of the claims, the case law Ricoh has already cited makes clear that such an embodiment shall not be used to construe the claims.

This Court deferred discovery on all extrinsic evidence relating to claim construction. On July 28, this Court deferred deposition and document discovery of Dr. Kowalski, ruling that because Judge Jenkins had already ruled that he would not consider extrinsic evidence in the claim construction hearing, all discovery of extrinsic evidence should be deferred. As it must, Synopsys effectively concedes in its portion of the letter that the KBSC system software is "extrinsic to the patent." *See Rival v. Sunbeam*, 987 F.Supp. 1167, 1171 (W.D. Mo 1997) ("even the plaintiff's product is extrinsic evidence"), *aff'd*, 1999 U.S. App. Lexis 2768 (Fed. Cir. Feb. 23, 1999). Synopsys's arguments (at p.3) that an alleged embodiment "should be discoverable" and (at p. 4) that the software "ought to be allowed to demonstrate the operation of the KBSC system to the Court" would violate Judge Jenkins' Order that it will not consider extrinsic evidence. There is no basis to allow discovery on one form of extrinsic evidence, but deny discovery on another form of extrinsic evidence. Since discovery on extrinsic evidence, including embodiments, has been curtailed, Synopsys' motion must be denied.

⁵ Ricoh does not agree with Synopsys' unfounded speculation regarding the content of the KBSC software, or with Ricoh's motivations, or with Synopsys' contention that there is only a single product that may practice the relevant teachings of the '432 patent. Ricoh contends that the Accused Instrumentality identified in its claim construction also practices the relevant teachings of the patent.

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To date, Ricoh has been unable to locate a copy of the KBSC system software. Ricoh did not create the KBSC system software, and has no first-hand knowledge regarding the software. From deposition and documents discovery obtained non-parties during this litigation, Ricoh understands that there is no single, fixed "KBSC system software", but rather it was an evolving collection of code that was continually refined and developed in the later 1980s by a small company named International Chip Corporation. Portions of this code may have been sent to Ricoh in around 1989. Early in this litigation, and after a comprehensive search in Japan and the U.S. for responsive documents, Ricoh produced a large volume of information regarding this software, but was unable to locate any tapes or disks that contained the actual software. For many months, counsel for Synopsys did not follow up on the matter. In Ricoh's disclosure pursuant to Patent L.R. 3-1(f), Ricoh was referencing these already-produced materials to support its claim construction.

On Friday, July 23, 2004, counsel for the parties agreed that, if Ricoh could not locate a copy of the software, there was no need to proceed with a any motion to compel. Counsel for Ricoh agreed to ask their client in Japan to conduct another search for the KBSC system software, and asked for a report by Tuesday, July 27. On that date, counsel for Ricoh advised counsel for Synopsys that Ricoh had conducted yet another search and had been unable to locate the KBSC system software. (Ex. F, Brothers 7/28/04 letter to Hocker.) Ricoh has continued to search for this software, but as of August 3, has been unable to determine whether it has either the KBSC software or Ricoh's version of that software. Nevertheless, counsel for Synopsys insisted that it would still seek to compel production of software that, to date, Ricoh has been unable to locate.

The parties are available to participate in a telephonic hearing at the Court's convenience.

Very truly yours,

Dated: August 3, 2004

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EXHIBIT A

1 **I. DEFINITIONS**

2 The definitions below are incorporated into each interrogatory.

3 A. The terms "Ricoh," "you," and "your" mean, without limitation, Ricoh Company Ltd.,
4 its past and present parents, subsidiaries, affiliates, predecessors, unincorporated divisions, officers,
5 attorneys or agents, representatives, employees, consultants and all persons acting or purporting to act
6 on its behalf. This definition includes Ricoh's predecessors in interest in U.S. Patent No. 4,922,432,
7 International Chip Corporation ("ICC") and Knowledge Based Silicon Corporation ("KBS").8 B. As used herein, "subsidiary" means a business enterprise, the operations of which are
9 subject to control by a corporate parent through whole or partial stock ownership.10 C. As used herein, "Customer Defendants" refers to Aeroflex, Inc., AMI Semiconductor,
11 Inc., and Matrox Electronic Systems, Ltd., Matrox Graphics, Inc., Matrox International Corp., and
12 Matrox Tech, Inc., all subsidiaries, affiliates, predecessors, unincorporated divisions and all its
13 officers, employees, attorneys, agents, representatives and all persons acting or purporting to act on its
14 behalf.15 D. As used herein, "affiliate" means a company effectively controlled by another but
16 associated with that other entity by way of common control, whether direct or indirect.17 E. As used herein, the word "document" means the original and each nonidentical copy of
18 any written, printed, typed, recorded, computerized, electronic, taped, graphic, or other matter, in
19 whatever form, whether in final or draft, including but not limited to all materials that constitute
20 "writings" or "recordings" or "photographs" within the broadest meaning of Rule 1001 of the Federal
21 Rules of Evidence and all materials that constitute "documents" within the broadest meaning of Rule
22 34 of the Federal Rules of Civil Procedure. The word "document" includes, without limitation, printed
23 matter, electronic mail, materials stored on computer hard drives, diskettes, tapes, any other computer
24 media, and any other information stored magnetically or electronically.25 F. Documents to be identified shall include both documents in your possession, custody
26 and control, and all other documents of which you have knowledge. If you claim that any document
27 was, but is no longer, in your possession or subject to your control, state what disposition was made of
28 such document and when.

1 G. As used herein, "person" means any individual, firm, partnership, corporation,
 2 proprietorship, association, governmental body, or any other organization or entity.

3 H. As used herein, "communication" includes, without limitation, communications by
 4 whatever means transmitted (i.e., whether oral, written, electronic or other methods used), as well as
 5 any note, memorandum or other record thereof.

6 I. The terms "regarding, referring or relating to" and "concerning" mean reflecting,
 7 concerning, containing, pertaining, referring, relating to, indicating, showing, describing, evidencing,
 8 discussing, mentioning, embodying or computing.

9 J. Whenever the singular is used, it shall also be taken to include the plural, and vice
 10 versa. Whenever the conjunctive is used, it shall also be taken to include the disjunctive, and vice
 11 versa.

12 K. The term "prior art," is used herein in the same sense as that term is used in 35 U.S.C. §
 13 103, and includes any patent, printed publication, prior knowledge, prior use, prior sale or offer of sale
 14 or other act or event defined in 35 U.S.C. § 102, taken singly or in combination.

15 L. As used herein, the term "Kobayashi Patents" means, individually, collectively, or in
 16 any combination, any patents or patent applications originating from United States Patent Application
 17 Number 143,821, filed on January 13, 1988, or any continuation of this application or any foreign
 18 counterpart to such patents. Such patents include, but are not limited to, United States Patent Number.
 19 4,922,432 (the "'432 patent"), entitled "Knowledge Based Method and Apparatus For Designing
 20 Integrated Circuits Using Functional Specifications," and United States Patent Number 5,197,016 (the
 21 "'016 patent"), entitled "Integrated Silicon-Software Compiler."

22 M. As used herein, with reference to patent applications, "continuation" includes any
 23 divisional, continuation-in-part, reissue, and continued prosecution applications.

24 N. As used herein, "PTO" means the United States Patent & Trademark Office.

25 II. **INSTRUCTIONS**

26 The following instructions apply to each of the requests for documents set forth herein:

27 1. Please produce entire documents, including, but not limited to, attachments, enclosures,
 28 cover letters, memoranda, and appendices.

1 2. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, these requests for
 2 documents shall be deemed continuous up to and following the trial of this proceeding such that any
 3 documents or things requested herein which is either discovered by you or comes within your
 4 possession, custody or control subsequent to your initial responses hereto but prior to the final
 5 conclusion of this case should be produced in a supplemental response to these Document Requests
 6 immediately upon its discovery or receipt by you or your counsel.

7 3. If any document is withheld under a claim of privilege, in order that the Court and the
 8 parties may determine the validity of the claim of privilege, please provide a privilege log identifying
 9 each document withheld, including

10 a. The type of document;
 11 b. The approximate date, and manner of recording, creating or otherwise preparing the document;
 12 c. The subject matter of the document;
 13 d. The name and organizational position of the person(s) who produced the document,
 14 e. The name and organizational position of the person(s) who received a copy of the document, or
 15 to whom the document was disclosed; and
 16 f. The claimed grounds on which the document is being withheld and facts sufficient to show the
 17 basis for each claim of privilege.

18 4. If you object to any part of a request for documents and refuse to produce documents
 19 responsive to that part, state your objection and respond to the remaining portion of that request. If
 20 you object to the scope or time period of a request for documents, state your objection and respond to
 21 the request for documents for the scope or time period you believe is appropriate.

22 5. Please produce all documents in the order in which they are kept in the ordinary course of
 23 business, and in their original file folders, binders, covers or containers, or facsimile thereof.

24 6. Any document bearing any changes, including, but not limited to, markings, handwritten
 25 notation, or other differences, that are not a part of the original text, or any reproduction thereof, is to
 26 be considered a separate document for purposes of responding to the following document requests.
 27 English translations of partial translations of foreign language documents should also be considered
 28 separate documents.

1 7. If a requested document is in a language other than English, please produce both the
 2 original and any existing English translation thereof.

3 8. If any of the following requests for documents cannot be responded to in full after
 4 exercising due diligence to secure the requested documents, please so state and respond to the extent
 5 possible, specifying your inability to respond to the remainder and stating whatever information you
 6 have regarding, referring or relating to the unanswered portions. If your response is qualified in any
 7 particular manner, set forth the details of such qualification.

8 9. Please produce hard copies of electronic records or produce computerized information in an
 9 intelligible format with a description of the system from which it was derived sufficient to permit
 10 rendering the materials intelligible.

11 **III. REQUESTS FOR DOCUMENTS AND THINGS**

12 **REQUEST NO. 1:**

13 All organizational charts sufficient to show the organization of Ricoh and Ricoh personnel
 14 involved in any research and development, testing, experimentation, patent activities, engineering or
 15 design related to the subject matter of the Kobayashi Patents.

16 **REQUEST NO. 2:**

17 All documents regarding, referring or relating to any research and development, testing,
 18 experimentation, engineering or design of any article or product embodying or created using the
 19 alleged inventions that are the subject matter of the Kobayashi Patents.

20 **REQUEST NO. 3:**

21 All documents regarding, referring or relating to Synopsys' products (other than documents
 22 produced by Synopsys or the Customer Defendants in this or any other action), including but not
 23 limited to product monitoring, testing or analyses, infringement analyses, market analyses, sales
 24 projections, consumer preference surveys and consultant reports.

25 **REQUEST NO. 4:**

26 All documents regarding, referring or relating to communications, meetings, contacts or other
 27 dealings between any of Ricoh, ICC, KBS, or any of their subsidiaries, successors in interest or agents
 28 and any other person, including without limitation, any of the Defendants' actual or potential

1 customers, business partners or licensees, regarding, referring or relating to this lawsuit or any
 2 allegations, claims or potential claims that Defendants have infringed or will infringe the Kobayashi
 3 Patents

4 **REQUEST NO. 5:**

5 All documents regarding, referring or relating to the alleged infringement of the Kobayashi
 6 Patents by any person, including all documents regarding, referring or relating to any investigation,
 7 litigation, threat of litigation or other enforcement, or attempted enforcement of the Kobayashi Patents.

8 **REQUEST NO. 6:**

9 All documents regarding, referring or relating to any facts which evidence, or otherwise
 10 support or constitute the basis for, any contention by Ricoh that any claim of the Kobayashi Patents is
 11 infringed by any of the Synopsys' products or the use thereof.

12 **REQUEST NO. 7:**

13 All documents regarding, referring or relating to any investigation, test, study, opinion, search,
 14 review, belief or comment relating to whether any products manufactured, used or sold by the
 15 Defendants, or any other party, infringe or do not infringe any of the claims of the Kobayashi Patents.

16 **REQUEST NO. 8:**

17 All documents regarding, referring or relating to the Kobayashi Patents, or any foreign
 18 counterpart to those patents or any application for such patents or counterpart at any time, including
 19 the prosecution histories of such patents.

20 **REQUEST NO. 9:**

21 All files of Hideaki Kobayashi, Masahiro Shindo, Tai Sugimoto, or Haruo Nakayama or any
 22 persons who may have worked with them, regarding the design or verification of application specific
 23 integrated circuits, or the subject matter of the Kobayashi Patents.

24 **REQUEST NO. 10:**

25 All documents regarding, referring or relating to the ownership of any rights, title or interest in
 26 or to (a) the Kobayashi Patents, (b) any continuation, division, parent, foreign counterpart or otherwise
 27 related patent or (c) the subject matter described in the Kobayashi Patents or in the patent applications
 28 for such patents.

1 **REQUEST NO. 11:**

2 All license agreements, cross-license agreements, or any other form of agreement involving the
 3 Kobayashi Patents, including any general license agreements that do not explicitly refer to the
 4 Kobayashi Patents but may grant rights to practice these patents.

5 **REQUEST NO. 12:**

6 All documents regarding, referring or relating to inquiries or requests by, or negotiations with,
 7 other persons for rights either to the Kobayashi Patents or to technologies discussed in the Kobayashi
 8 Patents, including but not limited to correspondence or other communications between Ricoh and any
 9 licensee, and any documents prepared, used, exchanged, or otherwise regarding, referring or relating to
 10 the negotiation or attempted negotiation of a license under the Kobayashi Patents.

11 **REQUEST NO. 13:**

12 All publications, articles, presentations, technical disclosures and other such documents
 13 (including drafts of articles, cover letters for article submissions, correspondence from publishers and
 14 cited sources) regarding, referring or relating to the design or verification of application specific
 15 integrated circuits, or the subject matter of the Kobayashi Patents.

16 **REQUEST NO. 14:**

17 All documents regarding, referring or relating to the conception or research and development of
 18 the alleged inventions which are the subject matter of the Kobayashi Patents, including but not limited
 19 to invention disclosure documents, notes, notebook entries, sketches, drawings, schematics,
 20 memoranda, reports, correspondence, records of tests and records of meetings.

21 **REQUEST NO. 15:**

22 All documents regarding, referring or relating to the reduction to practice of the alleged
 23 inventions which are the subject matter of the Kobayashi Patents, including but not limited to invention
 24 disclosure documents, notes, notebook entries, sketches, drawings, schematics, memoranda, reports,
 25 correspondence, records of tests and records of meetings.

26 **REQUEST NO. 16:**

27 All documents regarding, referring or relating to any diligent effort, between the time of alleged
 28 conception and the time of alleged reduction to practice, to reduce the alleged inventions which are the

1 subject matter of the Kobayashi Patents to practice, including but not limited to invention disclosure
 2 documents, notes, notebook entries, sketches, drawings, schematics, memoranda, reports,
 3 correspondence, records of tests and records of meetings.

4 **REQUEST NO. 17:**

5 All documents regarding, referring or relating to the first disclosure of the alleged inventions
 6 that are the subject matter of the Kobayashi Patents to anyone, including persons inside or outside of
 7 Ricoh, and including documents sufficient to show when each such disclosure occurred.

8 **REQUEST NO. 18:**

9 All documents regarding, referring or relating to any use (including experimental or
 10 commercial uses), disclosure, demonstration, offer for sale, sale, advertising, or promotional activity of
 11 any product that embodies or embodied any alleged invention claimed in the Kobayashi Patents.

12 **REQUEST NO. 19:**

13 All United States and foreign patents, patent applications and provisional applications, whether
 14 issued, pending, abandoned or otherwise withdrawn, regarding, referring or relating to the subject
 15 matter of the Kobayashi Patents.

16 **REQUEST NO. 20:**

17 All documents regarding, referring or relating to the prosecution of the applications that led to
 18 the Kobayashi Patents, and any foreign counterparts of the Kobayashi Patents, and any application for
 19 reissue, reexamination, continuation, continuation in part or divisional application claiming any benefit
 20 of any filing date from any application that led to the issuance of the Kobayashi Patents, including
 21 without limitation files from Ricoh's legal department, the files of outside counsel who advised Ricoh
 22 regarding these patents or the files of technical persons at Ricoh who consulted or assisted regarding
 23 the prosecution of the applications.

24 **REQUEST NO. 21:**

25 All documents regarding, referring or relating to any interview, presentation, or other
 26 communication made to, or received from, PTO personnel in connection with the prosecution of the
 27 Kobayashi Patents, including without limitation, reports and notes made before, during or after such
 28 interviews and presentations, letter of transmittal, communications, and records of communications.

1 **REQUEST NO. 22:**

2 All documents ever considered by or on behalf of Ricoh as possibly regarding, referring or
 3 relating to any device or process which might possibly be prior art with respect to the Kobayashi
 4 Patents, or any foreign counterpart patent or patent application, including but not limited to documents
 5 resulting from any prior art or patentability search, from examination in or by the PTO or any foreign
 6 patent office or authority, or from research conducted by or on behalf of Ricoh or provided to Ricoh by
 7 another party.

8 **REQUEST NO. 23:**

9 All documents that are known to Ricoh or have been asserted by anyone as being relevant to
 10 the validity, enforceability and/or scope of any of the claims of the Kobayashi Patents.

11 **REQUEST NO. 24:**

12 All documents and things, including searches, studies, or opinions, prepared by or on behalf of
 13 Ricoh regarding, referring or relating to the validity or invalidity, patentability, enforceability or scope
 14 of the Kobayashi Patents, including any analysis of prior art references cited by the PTO or any foreign
 15 patent office in connection with the prosecution of the Kobayashi Patents, any related patent or a
 16 foreign counterpart.

17 **REQUEST NO. 25:**

18 All documents regarding, referring or relating to Ricoh's interpretation of the claims of the
 19 Kobayashi Patents, including without limitation documents generated in connection with any prior
 20 suits or threat of suit, documents containing allegations of infringement, infringement studies or
 21 analyses or statements regarding, referring or relating to the meaning, scope, or application of the
 22 Kobayashi Patents.

23 **REQUEST NO. 26:**

24 All documents regarding, referring or relating to any alleged commercial success of any alleged
 25 invention claimed in the Kobayashi Patents, including but not limited to:

26 a) Documents showing the nexus between the alleged commercial success and the claimed subject
 27 matter of the Kobayashi Patents;

28 b) Documents identifying the allegedly commercially successful devices or processes falling

1 within the claims of the Kobayashi Patents;

2 c) Documents showing licensing revenue attributed to licensing of any invention claimed in the

3 Kobayashi Patents;

4 d) Documents showing the total market in which the device or process of any alleged invention

5 claimed in any of the Kobayashi Patents competes and the percent of that market (based on

6 units or dollars) which is attributable to the products of said invention;

7 e) Documents showing commendation or tribute by competitors, customers, or others in the

8 industry to any alleged advance attributed to any devices or processes allegedly covered by any

9 claim of the Kobayashi Patents; and

10 f) Documents showing actual savings achieved in commercial practice by use of any devices or

11 processes allegedly covered by any claims of the Kobayashi Patents and the basis for

12 computing such savings.

13 **REQUEST NO. 27:**

14 All documents regarding, referring or relating to, or contradicting, any "secondary"

15 consideration of obviousness with respect to any alleged invention claimed in the Kobayashi Patents,

16 including but not limited to:

17 a) alleged prior attempts and failures of Ricoh, its assignors, or others in the art to make the

18 advances or to solve the problems allegedly made or solved by any alleged invention claimed

19 in the Kobayashi Patents;

20 b) any alleged long felt need in the industry which was allegedly satisfied in whole or in part by

21 any product covered by any claim of the Kobayashi Patents; and

22 c) any alleged initial skepticism relating to products of any alleged invention claimed in the

23 Kobayashi Patents.

24 **REQUEST NO. 28:**

25 All documents regarding, referring or relating to Ricoh's policies for the maintenance,

26 destruction or retention of documents or files.

27 **REQUEST NO. 29:**

28 All documents relating to any communications by Ricoh, its counsel, or agents and persons

1 recruited to offer opinions and information regarding design synthesis technologies prior to initiation
 2 of the present lawsuit, including communications with James Davis, Donald Thomas and Giovanni De
 3 Micheli.

4 **REQUEST NO. 30:**

5 All documents constituting or relating to any communications between any of Ricoh, ICC,
 6 KBS, Hideaki Kobayashi, Masahiro Shindo, James Davis and any other party regarding licensing of
 7 the Kobayashi Patents or the technologies discussed in those patents.

8 **REQUEST NO. 31:**

9 All documents referring or relating to a meeting between representatives of KBS and
 10 representatives of Synopsys, Inc. held at the time of the 1991 ACM/IEEE Design Automation
 11 Conference in San Francisco, California.

12 **REQUEST NO. 32:**

13 All documents consulted, reviewed and/or relied on in responding to any Interrogatory in this
 14 action.

15 **REQUEST NO. 33:**

16 All documents regarding, referring or relating to the relationship between Ricoh and ICC,
 17 including, but not limited to, any contractual or financial relationship between Ricoh and ICC.

18 **REQUEST NO. 34:**

19 All documents regarding, referring or relating to any projects, including research and
 20 development projects, which were the result of or based on the relationship between Ricoh and ICC.

21 **REQUEST NO. 35:**

22 All documents regarding, referring or relating to the design, development, and operation of any
 23 product or system that resulted from or was based on joint development work between Ricoh and ICC.

24 **REQUEST NO. 36:**

25 All documents regarding, referring or relating to the relationship between Ricoh and KBS,
 26 including, but not limited to, any contractual or financial relationship between Ricoh and KBS.

27 **REQUEST NO. 37:**

28 All documents regarding, referring or relating to any projects, including research and

1 development projects, which were the result of or based on the relationship between Ricoh and KBS.

2 **REQUEST NO. 38:**

3 All documents regarding, referring or relating to the design, development, and operation of any
4 product or system that resulted from or was based on joint development work between Ricoh and KBS.

5 **REQUEST NO. 39:**

6 All documents regarding, referring or relating to any communications or agreements between
7 Ricoh and ICC regarding the use of intellectual property including, but not limited to, any agreement
8 regarding the assertion of U.S. Patent Nos. 4,922,432 or 5,197,016 (the '432 and '016 patents
9 respectively) or regarding the payment of any maintenance fees associated with these patents.

10 **REQUEST NO. 40:**

11 All documents regarding, referring or relating to any communications or agreements between
12 Ricoh and KBS regarding the use of intellectual property including, but not limited to, any agreement
13 regarding the assertion of the '432 and '016 patents or regarding the payment of any maintenance fees
14 associated with these patents.

15 **REQUEST NO. 41:**

16 All documents regarding, referring or relating to the design, development, and operation of the
17 KBSC system described in the '432 patent.

18 **REQUEST NO. 42:**

19 All documents regarding, referring or relating to the design, development, and operation of the
20 EDSIM program described in the '432 patent.

21 **REQUEST NO. 43:**

22 All documents regarding, referring or relating to the design, development, and operation of the
23 PSCS program described in the '432 patent.

24 **REQUEST NO. 44:**

25 All documents regarding, referring or relating to the design, development, and operation of any
26 product, or proposed product, developed under the name "REX."

27 **REQUEST NO. 45:**

28 All documents regarding, referring or relating to the design, development, and operation of any

1 product, or proposed product, developed under the name "CAKE."

2 **REQUEST NO. 46:**

3 All documents regarding, referring or relating to any attempts to license, or obtain other
 4 payment in connection with, any of the '432 and '016 patents, or patents claiming priority from the
 5 same applications as the '432 and '016 patents.

6 **REQUEST NO. 47:**

7 All documents relating to commercial and/or business transactions between Ricoh Company,
 8 Ltd. and any subsidiary organized to do business in California, including, but not limited to, Ricoh
 9 Corporation, Ricoh Business Systems, Inc., Ricoh Silicon Valley, Inc., and Ricoh Electronics, Inc.

10 **REQUEST NO. 48:**

11 Documents sufficient to identify the source of revenues for any subsidiary of Ricoh engaging in
 12 business in California, including but not limited to Ricoh Corporation, Ricoh Business Systems, Inc.,
 13 Ricoh Silicon Valley, Inc., and Ricoh Electronics, Inc. This production should include documents
 14 sufficient to identify the products sold (including model and volume) in each of the last five years.

15 **REQUEST NO. 49:**

16 Documents relating to the formation, organization, business goals, mandate and corporate
 17 charter of any subsidiary of Ricoh Company, Ltd. engaged in business in California, including but not
 18 limited to Ricoh Corporation, Ricoh Business Systems, Inc., Ricoh Silicon Valley, Inc., and Ricoh
 19 Electronics, Inc.

20 **REQUEST NO. 50:**

21 Documents sufficient to identify the amount of any cash flows, dividends, transfers or other
 22 payments between any subsidiary of Ricoh Company, Ltd. engaged in business in California
 23 (including, but not limited to, Ricoh Corporation, Ricoh Business Systems, Inc., Ricoh Silicon Valley,
 24 Inc., and Ricoh Electronics, Inc.), and Ricoh Company, Ltd. or any subsidiary, direct or indirect, of
 25 Ricoh Company, Ltd.

26 **REQUEST NO. 51:**

27 All communications between executives of any subsidiary of Ricoh Company, Ltd. engaged in
 28 business in California (including, but not limited to, Ricoh Corporation, Ricoh Business Systems, Inc.,

1 Ricoh Silicon Valley, Inc., and Ricoh Electronics, Inc.) and persons employed by, or otherwise
2 associated with, Ricoh Company, Ltd., or any other subsidiary, direct or indirect, of Ricoh Company,
3 Ltd. relating to any of:
4 • business transactions,
5 • transfers of goods, or
6 • transfers of money

7 between Ricoh Company, Ltd. and any subsidiary or between any two subsidiaries.

8

9 Dated: November 20, 2003

Respectfully submitted,

10

HOWREY SIMON ARNOLD & WHITE, LLP

11

12

By:


Erik K. Moller
Attorneys for Plaintiff Synopsys, Inc.

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CERTIFICATE OF SERVICE

I am employed in the City and County of San Mateo, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over 18 years of age and am not a party to this action. My business address is 301 Ravenswood Avenue, Menlo Park, CA 94025.

On November 20, 2003, a true copy of **PLAINTIFF SYNOPSYS, INC.'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS (NOS. 1-51)** was served on the following:

Gary M. Hoffman
Dickstein Shapiro Morin & Oshinsky, LLP
2101 L Street N.W.
Washington, DC 20037-1526 Facsimile (202) 887-0689

(BY U.S. MAIL – CCP § 1013a(1)) I am personally and readily familiar with the business practice of Howrey Simon Arnold & White, LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Menlo Park, California.

(BY FACSIMILE – CCP § 1013(e)) I am personally and readily familiar with the business practice of Howrey Simon Arnold & White, LLP for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.

(PERSONAL SERVICE) I caused each such envelope to be delivered by hand to the offices of each party at the address listed above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November 20, 2003, at Menlo Park, CA.

Glenda L. Guthart



301 RAVENSWOOD AVENUE
MENLO PARK, CA 94025-3434
PHONE: 650.463.8100 • FAX: 650.463.8400

FACSIMILE COVER SHEET

DATE:	<u>November 20, 2003</u>			
TO:				
1. NAME:	<u>Edward A. Meilman</u>	COMPANY:	<u>Dickstein Shapiro, et al.</u>	
CITY:	<u>New York, NY</u>	FAX #:	<u>(212) 997-9880</u>	
			PHONE #:	<u>(212) 835-1400</u>
2. NAME:	<u>Gary M. Hoffman</u>	COMPANY:	<u>Dickstein Shapiro, et al.</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
			PHONE #:	<u>(202) 785-9700</u>
3. NAME:	<u>Jeffrey Demain</u>	COMPANY:	<u>Altshuler, Berzon, Nussbaum</u>	
CITY:	<u>San Francisco, CA</u>	FAX #:	<u>(415) 362-8064</u>	
			PHONE #:	
4. NAME:		COMPANY:		
CITY:		FAX #:		
			PHONE #:	
5. NAME:		COMPANY:		
CITY:		FAX #:		
			PHONE #:	
FROM:	NAME:	<u>Christopher L. Kelley, Esq.</u>		
	DIRECT DIAL NUMBER:	<u>(650) 463-8113</u>	USER ID:	<u>5172</u>
NUMBER OF PAGES, INCLUDING COVER:		<u>16</u>	CHARGE NUMBER:	<u>06816.0061.000000</u>
<input checked="" type="checkbox"/> ORIGINAL WILL FOLLOW VIA:				
<input checked="" type="checkbox"/> REGULAR MAIL <input type="checkbox"/> OVERNIGHT DELIVERY <input type="checkbox"/> HAND DELIVERY <input type="checkbox"/> OTHER: _____				
<input type="checkbox"/> ORIGINAL WILL NOT FOLLOW				
SUPPLEMENTAL MESSAGE:				
Re: Synopsys v. Ricoh				
PLEASE SEE ATTACHED FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS (1-51) FROM SYNOPSYS				

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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REASON FOR ERROR
E-1} HANG UP OR LINE FAIL
E-3} NO ANSWERE-2} BUSY
E-4} NO FACSIMILE CONNECTION

301 RAVENSWOOD AVENUE
MENLO PARK, CA 94025-3434
PHONE: 650.463.8100 • FAX: 650.463.8400

FACSIMILE COVER SHEET

DATE: November 20, 2003

TO:

1. NAME: Edward A. Meilman COMPANY: Dickstein Shapiro, et al.
CITY: New York, NY FAX #: (212) 997-9880 PHONE #: (212) 835-1400

2. NAME: Gary M. Hoffman COMPANY: Dickstein Shapiro, et al.
CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: (202) 785-9700

3. NAME: Jeffrey Demain COMPANY: Altshuler, Berzon, Nussbaum
CITY: San Francisco, CA FAX #: (415) 362-8064 PHONE #: _____

4. NAME: _____ COMPANY: _____
CITY: _____ FAX #: _____ PHONE #: _____

5. NAME: _____ COMPANY: _____
CITY: _____ FAX #: _____ PHONE #: _____

FROM: NAME: Christopher L. Kelley, Esq.
DIRECT DIAL NUMBER: (650) 463-8113 USER ID: 5172

NUMBER OF PAGES, INCLUDING COVER: 16 CHARGE NUMBER: 06816.0061.000000

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Re: Synopsys v. Ricoh

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REASON FOR ERROR
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301 RAVENSWOOD AVENUE
MENLO PARK, CA 94025-3434
PHONE: 650.463.8100 • FAX: 650.463.8400

FACSIMILE COVER SHEET

DATE: November 20, 2003

TO:

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CITY: New York, NY FAX #: (212) 997-9880 PHONE #: (212) 835-1400

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DIRECT DIAL NUMBER: (650) 463-8113 USER ID: 5172

NUMBER OF PAGES, INCLUDING COVER: 16 CHARGE NUMBER: 06816.0061.000000

 ORIGINAL WILL FOLLOW VIA: REGULAR MAIL OVERNIGHT DELIVERY HAND DELIVERY OTHER: _____ ORIGINAL WILL NOT FOLLOW

SUPPLEMENTAL MESSAGE:

Re: Synopsys v. Ricoh

PLEASE SEE ATTACHED FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS (1-51) FROM SYNOPSYS

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REASON FOR ERROR
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E-3) NO ANSWERE-2) BUSY
E-4) NO FACSIMILE CONNECTION

301 RAVENSWOOD AVENUE
MENLO PARK, CA 94025-3434
PHONE: 650.463.8100 • FAX: 650.463.8400

FACSIMILE COVER SHEET

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1. NAME:	Edward A. Mellman	COMPANY:	Dickstein Shapiro, et al.	
CITY:	New York, NY	FAX#:	(212) 997-9880	
2. NAME:	Gary M. Hoffman	COMPANY:	Dickstein Shapiro, et al.	
CITY:	Washington, DC	FAX#:	(202) 887-0689	
3. NAME:	Jeffrey Demain	COMPANY:	Altshuler, Berzon, Nussbaum	
CITY:	San Francisco, CA	FAX#:	(415) 362-8064	
4. NAME:		COMPANY:		
CITY:		FAX#:		
5. NAME:		COMPANY:		
CITY:		FAX#:		
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	DIRECT DIAL NUMBER:	(650) 463-8113	USER ID:	5172
NUMBER OF PAGES, INCLUDING COVER:	16	CHARGE NUMBER:	06816.0061.000000	

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SUPPLEMENTAL MESSAGE:

Re: Synopsys v. Ricoh

PLEASE SEE ATTACHED FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS (1-51)
FROM SYNOPSYS

EXHIBIT B

1 Teresa M. Corbin (SBN 132360)
2 Christopher Kelley (SBN 166608)
3 Matthew E. Hocker (SBN 188546)
4 HOWREY SIMON ARNOLD & WHITE, LLP
3 301 Ravenswood Avenue
Menlo Park, California 94025
4 Telephone: (650) 463-8100
Facsimile: (650) 463-8400

Attorneys for Plaintiff Synopsys, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PROPOUNDING PARTY: Plaintiff, Synopsys, Inc.

RESPONDING PARTY: Defendant, Ricoh Company, Ltd.

SET NO.: Two (2)

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, plaintiff Synopsys, Inc. (“Synopsys”) hereby requests that Ricoh Company, Ltd. (“Ricoh”) respond to this request within thirty (30) days from the date of service hereof, through their counsel of record, and produce for inspection and copying the designated documents at the offices of Howrey Simon Arnold & White, LLP, 301 Ravenswood Avenue, Menlo Park, CA 94025, at the time of response.

1 | I. DEFINITIONS

The definitions below are incorporated into each request.

3 A. The terms “Ricoh,” “you,” and “your” mean, without limitation, Ricoh Company Ltd.,
4 its past and present parents, subsidiaries, affiliates, predecessors, unincorporated divisions, officers,
5 attorneys or agents, representatives, employees, consultants and all persons acting or purporting to act
6 on its behalf. This definition includes Ricoh’s predecessors in interest in U.S. Patent No. 4,922,432,
7 International Chip Corporation (“ICC”) and Knowledge Based Silicon Corporation (“KBS”).

8 B. As used herein, "subsidiary" means a business enterprise, the operations of which are
9 subject to control by a corporate parent through whole or partial stock ownership.

10 C. As used herein, "Customer Defendants" refers to Aeroflex, Inc., AMI Semiconductor,
11 Inc., and Matrox Electronic Systems, Ltd., Matrox Graphics, Inc., Matrox International Corp., and
12 Matrox Tech, Inc., all subsidiaries, affiliates, predecessors, unincorporated divisions and all its
13 officers, employees, attorneys, agents, representatives and all persons acting or purporting to act on its
14 behalf.

15 D. As used herein, "affiliate" means a company effectively controlled by another but
16 associated with that other entity by way of common control, whether direct or indirect.

17 E. As used herein, the word "document" means the original and each nonidentical copy of
18 any written, printed, typed, recorded, computerized, electronic, taped, graphic, or other matter, in
19 whatever form, whether in final or draft, including but not limited to all materials that constitute
20 "writings," "recordings," "photographs," "source code" or "executable code" within the broadest
21 meaning of Rule 1001 of the Federal Rules of Evidence and all materials that constitute "documents"
22 within the broadest meaning of Rule 34 of the Federal Rules of Civil Procedure. The word
23 "document" includes, without limitation, printed matter, electronic mail, materials stored on computer
24 hard drives, diskettes, tapes, any other computer media, and any other information stored magnetically,
25 optically or in any electronic medium and/or form.

26 F. Documents to be identified shall include both documents in your possession, custody
27 and control, and all other documents of which you have knowledge. If you claim that any document

1 was, but is no longer, in your possession or subject to your control, state what disposition was made of
 2 such document and when.

3 G. As used herein, "person" means any individual, firm, partnership, corporation,
 4 proprietorship, association, governmental body, or any other organization or entity.

5 H. As used herein, "communication" includes, without limitation, communications by
 6 whatever means transmitted (i.e., whether oral, written, electronic or other methods used), as well as
 7 any note, memorandum or other record thereof.

8 I. The terms "regarding, referring or relating to" and "concerning" mean reflecting,
 9 concerning, containing, pertaining, referring, relating to, indicating, showing, describing, evidencing,
 10 discussing, mentioning, embodying or computing.

11 J. Whenever the singular is used, it shall also be taken to include the plural, and vice
 12 versa. Whenever the conjunctive is used, it shall also be taken to include the disjunctive, and vice
 13 versa.

14 K. The term "prior art," is used herein in the same sense as that term is used in 35 U.S.C. §
 15 103, and includes any patent, printed publication, prior knowledge, prior use, prior sale or offer of sale
 16 or other act or event defined in 35 U.S.C. § 102, taken singly or in combination.

17 L. As used herein, the term "Kobayashi Patent" means, individually, collectively, or in any
 18 combination, any patents or patent applications originating from United States Patent Application
 19 Number 143,821, filed on January 13, 1988, or any continuation of this application or any foreign
 20 counterpart to such patents. Such patents include, but are not limited to, United States Patent Number.
 21 4,922,432 (the "'432 patent"), entitled "Knowledge Based Method and Apparatus For Designing
 22 Integrated Circuits Using Functional Specifications."

23 M. As used herein, with reference to patent applications, "continuation" includes any
 24 divisional, continuation-in-part, reissue, and continued prosecution applications.

25 N. As used herein, "PTO" means the United States Patent & Trademark Office.

26 O. The term "EMBODYING PRODUCTS" means each product made, used, marketed,
 27 imported, sold and/or offered for sale by Ricoh, International Chip Corp., and/or KBS Corp., that
 28 embodies and/or in its normal use practices one or more claims of the '432 patent, including without

1 limitation, all versions of KBSC (Knowledge-Based Silicon Compiler, see e.g. RCL002694 –
 2 RCL002928) and/or the early implementations and variations of the KBSC system (see e.g. Ricoh's
 3 disclosure regarding Patent Local Rule 3-1(f) served June 21, 2004).

4 P. The term "KBSC SYSYEM SOFTWARE" means each product made, used, marketed,
 5 imported, sold and/or offered for sale by Ricoh, International Chip Corp., and/or KBS Corp., including
 6 but not limited to all versions of KBSC system (Knowledge-Based Silicon Compiler, see e.g.
 7 RCL002694 – RCL002928), including all modules (e.g. FlowED, FlowSIM, MS, NEPTUNE, NetGen
 8 Blath, ConGen, AafTran, etc. and the attendant files containing the rules, cell database, etc.) and the
 9 early implementations and variations of the KBSC system as identified in Ricoh's disclosure regarding
 10 Patent Local Rule 3-1(f) served June 21, 2004.

11 **II. INSTRUCTIONS**

12 The following instructions apply to each of the requests for documents set forth herein:

13 1. Please produce entire documents, including, but not limited to, attachments, enclosures,
 14 cover letters, memoranda, and appendices.

15 2. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, these requests for
 16 documents shall be deemed continuous up to and following the trial of this proceeding such that any
 17 documents or things requested herein which is either discovered by you or comes within your
 18 possession, custody or control subsequent to your initial responses hereto but prior to the final
 19 conclusion of this case should be produced in a supplemental response to these Document Requests
 20 immediately upon its discovery or receipt by you or your counsel.

21 3. If any document is withheld under a claim of privilege, in order that the Court and the
 22 parties may determine the validity of the claim of privilege, please provide a privilege log identifying
 23 each document withheld, including

24 a. The type of document;
 25 b. The approximate date, and manner of recording, creating or otherwise preparing the document;
 26 c. The subject matter of the document;
 27 d. The name and organizational position of the person(s) who produced the document,

28

1 e. The name and organizational position of the person(s) who received a copy of the document, or
2 to whom the document was disclosed; and
3 f. The claimed grounds on which the document is being withheld and facts sufficient to show the
4 basis for each claim of privilege.

5 4. If you object to any part of a request for documents and refuse to produce documents
6 responsive to that part, state your objection and respond to the remaining portion of that request. If
7 you object to the scope or time period of a request for documents, state your objection and respond to
8 the request for documents for the scope or time period you believe is appropriate.

9 5. Please produce all documents in the order in which they are kept in the ordinary course of
10 business, and in their original file folders, binders, covers or containers, or facsimile thereof.

11 6. Any document bearing any changes, including, but not limited to, markings, handwritten
12 notation, or other differences, that are not a part of the original text, or any reproduction thereof, is to
13 be considered a separate document for purposes of responding to the following document requests.
14 English translations of partial translations of foreign language documents should also be considered
15 separate documents.

16 7. If a requested document is in a language other than English, please produce both the
17 original and any existing English translation thereof.

18 8. If any of the following requests for documents cannot be responded to in full after
19 exercising due diligence to secure the requested documents, please so state and respond to the extent
20 possible, specifying your inability to respond to the remainder and stating whatever information you
21 have regarding, referring or relating to the unanswered portions. If your response is qualified in any
22 particular manner, set forth the details of such qualification.

23 9. Please produce hard copies of electronic records or produce computerized information in an
24 intelligible format with a description of the system from which it was derived sufficient to permit
25 rendering the materials intelligible.

1 **III. REQUESTS FOR DOCUMENTS AND THINGS**2 **REQUEST NO. 52:**

3 A copy of the executable code for every version of the KBSC SYSYEM SOFTWARE;
 4 including all documents and things used in the installation process such as installation disks,
 5 installation manuals, installation instructions, system requirements and the like.

6 **REQUEST NO. 53:**

7 A copy of the source code for every version of the KBSC SYSYEM SOFTWARE.

8 **REQUEST NO. 54:**

9 A copy of all files used by the KBSC SYSYEM SOFTWARE during execution, including but
 10 not limited to, the database files, hardware cell description files, the rule base, files containing any part
 11 of the knowledge base, etc.

12 **REQUEST NO. 55:**

13 All documents and things pertaining to design, manufacture, operation, capabilities, and/or
 14 function of the EMBODYING PRODUCTS, past or present, including manuals, installation
 15 instructions and an installation copy and/or machine-readable copy of every version, of the
 16 EMBODYING PRODUCTS.

17 **REQUEST NO. 56:**

18 All documents and things pertaining to design, manufacture, operation, capabilities, and/or
 19 function of FlowHDL, past or present, including manuals, installation instructions and an installation
 20 copy and/or machine-readable copy of every version of FlowHDL.

21 **REQUEST NO. 57:**

22 All documents and things pertaining to design, manufacture, operation, capabilities, and/or
 23 function of BlockHDL, past or present, including manuals, installation instructions and an installation
 24 copy and/or machine-readable copy of every version of the BlockHDL.

25 Dated: July 16, 2004

Respectfully submitted,

26 HOWREY SIMON ARNOLD & WHITE, LLP

27 By:

28 Matthew E. Hocker
 29 Attorneys for Plaintiff Synopsys, Inc.

CERTIFICATE OF SERVICE

I am employed in the City and County of San Mateo, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over 18 years of age and am not a party to this action. My business address is 301 Ravenswood Avenue, Menlo Park, CA 94025.

On July 16, 2004, a true copy of **PLAINTIFF SYNOPSYS, INC.'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS (NOS. 52-54)** was served on the following:

Gary M. Hoffman
Dickstein Shapiro Morin & Oshinsky, LLP
2101 L Street N.W.
Washington, DC 20037-1526 Facsimile (202) 887-0689

(BY U.S. MAIL – CCP § 1013a(1)) I am personally and readily familiar with the business practice of Howrey Simon Arnold & White, LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Menlo Park, California.

(BY FAXSIMILE – CCP § 1013(e)) I am personally and readily familiar with the business practice of Howrey Simon Arnold & White, LLP for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.

(PERSONAL SERVICE) I caused each such envelope to be delivered by hand to the offices of each party at the address listed above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on July 16, 2004, at Menlo Park, CA.

Susan J. Crane



301 RAVENSWOOD AVENUE
MENLO PARK, CA 94025-3434
PHONE: 650.463.8100 • FAX: 650.463.8400

FACSIMILE COVER SHEET

DATE:	<u>July 16, 2004</u>			
TO:				
1. NAME:	<u>Jeffrey B. Demain, Esq.</u>	COMPANY:	<u>Altshuler, Berzon, Nussbaum</u>	
CITY:	<u>San Francisco, CA</u>	FAX #:	<u>(415) 362-8064</u>	
2. NAME:	<u>Edward A. Meilman, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin & Oshinsky</u>	
CITY:	<u>New York, NY</u>	FAX #:	<u>(212) 997-9880</u>	
3. NAME:	<u>Gary M. Hoffman, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin & Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
4. NAME:	<hr/>			
CITY:	<hr/>	FAX #:	<hr/>	
5. NAME:	<hr/>			
CITY:	<hr/>	FAX #:	<hr/>	
FROM:	NAME:	<u>Susan Crane for Matt Hocker</u>		
	DIRECT DIAL NUMBER:	<u>(650) 463-8124</u>	USER ID:	<u>4099</u>
NUMBER OF PAGES, INCLUDING COVER:	<u>8</u>	CHARGE NUMBER:	<u>06816.0061.000000</u>	

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ORIGINAL WILL NOT FOLLOW

SUPPLEMENTAL MESSAGE:

Please see attached Plaintiff Synopsys, Inc.'s Second Set of Requests for Production of Documents (Nos. 52-57).

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* * * COMMUNICATION RESULT REPORT (JUL. 16. 2004 6:33PM) * * *

FAX HEADER 1:
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FILE MODE OPTION

ADDRESS

RESULT

PAGE

1487 MEMORY TX

G3 : 4153628064
G3 : 2#002#912129979880
G3 : 2#002#912028870689

OK

8/8

OK

8/8

OK

8/8

REASON FOR ERROR
E-1} HANG UP OR LINE FAIL
E-3} NO ANSWER
E-5} MAIL SIZE OVERE-2} BUSY
E-4} NO FACSIMILE CONNECTION

301 RAVENSWOOD AVENUE
MENLO PARK, CA 94025-3434
PHONE: 650.463.8100 • FAX: 650.463.8400

FACSIMILE COVER SHEET

DATE: July 16, 2004

TO:

1. NAME: Jeffrey B. Demain, Esq. COMPANY: Altshuler, Berzon, Nussbaum
CITY: San Francisco, CA FAX #: (415) 362-8064 PHONE #:2. NAME: Edward A. Meilman, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
CITY: New York, NY FAX #: (212) 997-9880 PHONE #:3. NAME: Gary M. Hoffman, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
CITY: Washington, DC FAX #: (202) 887-0689 PHONE #:4. NAME: _____ COMPANY: _____
CITY: _____ FAX #: _____ PHONE #: _____5. NAME: _____ COMPANY: _____
CITY: _____ FAX #: _____ PHONE #: _____FROM: NAME: Susan Crane for Matt HockerDIRECT DIAL NUMBER: (650) 463-8124 USER ID: 4099NUMBER OF PAGES, INCLUDING COVER: 8 CHARGE NUMBER: 06816.0061.000000 ORIGINAL WILL FOLLOW VIA: REGULAR MAIL OVERNIGHT DELIVERY HAND DELIVERY OTHER: _____ ORIGINAL WILL NOT FOLLOW

SUPPLEMENTAL MESSAGE:

Please see attached Plaintiff Synopsys, Inc.'s Second Set of Requests for Production of Documents (Nos. 52-57).

EXHIBIT C



301 RAVENSWOOD AVENUE
MENLO PARK, CA 94025-3434
PHONE 650.463.8100
FAX 650.463.8400
A LIMITED LIABILITY PARTNERSHIP

July 23, 2004

VIA FACSIMILE AND U.S. MAIL

Kenneth Brothers, Esq.
Dickstein Shapiro Morin & Oshinsky, LLP
2101 L Street NW
Washington, D.C. 20037

RE: Synopsys, Inc v. Ricoh Company, Ltd.
Case No. CV 03-02289 MJJ (EMC);
Ricoh Company, Ltd. v. Aeroflex, Inc.
Case No. CV 03-04669 MJJ (EMC)

Dear Mr. Brothers:

This letter confirms our agreement during our meet and confer today that you will inquire whether Ricoh has within in its possession, custody or control copies of any version of the KBSC system software. This would include any copy of the KBSC system software, and/or Ricoh's versions of that software.

You said you would get back to me next Tuesday, July 27, 2004, with the list of such software, or a statement that Ricoh is continuing to search for the software. If Ricoh's search is not yet completed, you said that on Tuesday you would provide a date by which Ricoh will complete its search and report to us on the software located. We propose conducting the continued meet and confer at the same time as today's, 11:30a.m. PDT (2:30 p.m. EDT). We are also available on Tuesday at 1:30 p.m. PDT (4:30 p.m. EDT). Please let us know which time you would prefer.

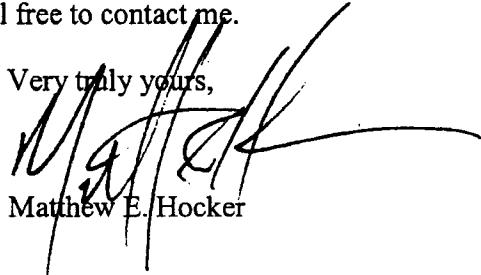
We are disappointed that Ricoh takes the position that this software is irrelevant to claim construction and refuses to produce it. The software should have been produced in response to Synopsys' First Set of Requests for Production of Documents served November 20, 2003. Specifically, the software is responsive to Requests 2, 18, 35, 38, 41, 42, and 43. With Judge Jenkins' comments and the clear relevance of the software, which was written by, or at the direction of, the inventors just prior to the filing of the '432 patent application and referenced in that application, we find your withholding the software to be objectionable. On Tuesday, July 27, please be prepared to meet and confer regarding production of the software and the document requests enumerated above.



Kenneth Brothers, Esq.
July 23, 2004
Page 2

If you have any questions, please feel free to contact me.

Very truly yours,


Matthew E. Hocker

MEH:sc

cc: Edward A. Meilman, Esq.
Michael A. Weinstein, Esq.



301 RAVENSWOOD AVENUE
MENLO PARK, CA 94025-3434
PHONE: 650.463.8100 • FAX: 650.463.8400

FACSIMILE COVER SHEET

DATE: July 23, 2004

TO:

1. NAME: Michael A. Weinstein, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
 CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: _____

2. NAME: Edward A. Meilman, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
 CITY: New York, NY FAX #: (212) 997-9880 PHONE #: _____

3. NAME: Kenneth W. Brothers, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
 CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: _____

FROM: NAME: Susan Crane for Matt Hocker

DIRECT DIAL NUMBER: (650) 463-8124 USER ID: 4099

NUMBER OF PAGES, INCLUDING COVER: 3 CHARGE NUMBER: 06816.0060.000000

ORIGINAL WILL FOLLOW VIA: REGULAR MAIL OVERNIGHT DELIVERY HAND DELIVERY OTHER: _____

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SUPPLEMENTAL MESSAGE:

Please see attached letter of this date from Matthew E. Hocker.

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IF THERE ARE ANY QUESTIONS OR PROBLEMS WITH THE TRANSMISSION OF THIS FACSIMILE, PLEASE CALL 650.463.8100.

* * * COMMUNICATION RESULT REPORT (JUL. 23. 2004 4:15PM) * * *

FAX HEADER 1:
FAX HEADER 2:TRANSMITTED/STORED : JUL. 23. 2004 4:11PM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

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REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER
E-5) MAIL SIZE OVERE-2) BUSY
E-4) NO FACSIMILE CONNECTION

301 RAVENSWOOD AVENUE
MENLO PARK, CA 94025-3434
PHONE: 650.463.8100 • FAX: 650.463.8400

FACSIMILE COVER SHEET

DATE:	July 23, 2004			
TO:				
1. NAME:	Michael A. Weinstein, Esq.	COMPANY:	Dickstein Shapiro Morin & Oshinsky	
CITY:	Washington, DC	FAX#:	(202) 887-0689	
2. NAME:	Edward A. Meilman, Esq.	COMPANY:	Dickstein Shapiro Morin & Oshinsky	
CITY:	New York, NY	FAX#:	(212) 997-9880	
3. NAME:	Kenneth W. Brothers, Esq.	COMPANY:	Dickstein Shapiro Morin & Oshinsky	
CITY:	Washington, DC	FAX#:	(202) 887-0689	
FROM:	NAME:	Susan Crane for Matt Hocker		
	DIRECT DIAL NUMBER:	(650) 463-8124	USER ID:	4099
NUMBER OF PAGES, INCLUDING COVER:	3	CHARGE NUMBER:	06816.0060.000000	
<input checked="" type="checkbox"/> ORIGINAL WILL FOLLOW VIA: <input checked="" type="checkbox"/> REGULAR MAIL <input type="checkbox"/> OVERNIGHT DELIVERY <input type="checkbox"/> HAND DELIVERY <input type="checkbox"/> OTHER: _____				
<input type="checkbox"/> ORIGINAL WILL NOT FOLLOW				
SUPPLEMENTAL MESSAGE: Please see attached letter of this date from Matthew E. Hocker.				

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EXHIBIT D



301 RAVENSWOOD AVENUE
MENLO PARK, CA 94025-3434
PHONE 650.463.8100
FAX 650.463.8400
A LIMITED LIABILITY PARTNERSHIP

July 29, 2004

VIA FACSIMILE AND U.S. MAIL

Kenneth Brothers, Esq.
Dickstein Shapiro Morin & Oshinsky, LLP
2101 L Street NW
Washington, D.C. 20037

RE: Synopsys, Inc v. Ricoh Company, Ltd.
Case No. CV 03-02289 MJJ (EMC);
Ricoh Company, Ltd. v. Aeroflex, Inc.
Case No. CV 03-04669 MJJ (EMC)

Dear Mr. Brothers:

I have your letter of July 28 and I write to correct several inaccurate statements contained in your letter. I must question, however, why Ricoh is so vigorously attempting to keep the Court from viewing this software. Perhaps the KBSC software accurately depicts the claimed invention, which you must understand to be detrimental to Ricoh's asserted claim constructions.

During our meet and confer on Friday, July 23, you suggested that you first check with Ricoh to see if they had the KBSC system software. I asked that you look for KBSC system software and Ricoh's versions of that software. See also my letter of July 23. You said you would report back on Tuesday what software Ricoh found or when Ricoh would complete its search. Based on that representation, I agreed to continue the meet and confer to Tuesday, July 27. During yesterday's meet and confer, however, you informed us that you only asked people at Ricoh if they could find a copy of the KBSC system software that Ricoh may have received from International Chip Corporation. After unilaterally narrowing our requests for the KBSC system software, you then told us that in the "quick search that you could perform in a day or two" Ricoh was unable to locate the version of the software, as you had redefined it.

The statement in your letter that our motion to compel would be futile is simply incredible, since you established yesterday that you have no idea what software Ricoh may have. During yesterday's meet and confer, I asked you to confirm that Ricoh had looked for all of the versions of the KBSC system software as I had asked, especially in light of the fact that the patent calls out inventors from both ICC and Ricoh. You would not confirm that they had. I then asked if you would take the steps necessary to assure Synopsys that the software requested could not be located, and that Ricoh would not later "find" this software at a time advantageous



Kenneth Brothers, Esq.

July 29, 2004

Page 2

to Ricoh. You said you were not in a position to assure Synopsys that Ricoh would not later locate

this software. I asked if Ricoh would perform a reasonable search, as would be required by the Federal Rules of Civil Procedure, for the software we had described. You said Ricoh would not search for the software without the Court ordering it to do so.

We next reviewed each of the document requests only to find that while Ricoh had some objections as to scope, it flatly refused to produce anything prior to claim construction. We then agreed we were at an impasse and we made arrangements to send a joint letter to Magistrate Chen, which I am currently drafting and we will have to you today. We expect to deliver the joint letter to Magistrate Chen on Monday, August 2, 2004.

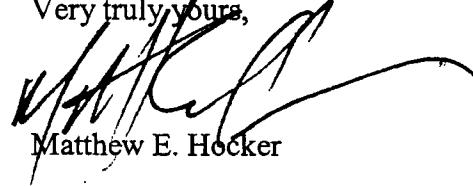
The threat in your July 28 letter to tit-for-tat move to compel all versions of the Synopsys software Ricoh identified in its Patent Local Rule 3-1(f) disclosure is improper for many reasons. First, Ricoh's attempt to delay our seeking relief from the court with such machinations at this late date is improper. Second, Patent Local Rule 3-1(f) requires only the identification of a party's *own* "apparatus, product, device . . ." Any inclusion by Ricoh of Synopsys' products is error, and certainly not binding on Synopsys. Third, Ricoh does not identify any particular Synopsys products in its disclosure, and certainly has not met and conferred with Mr. Mavrakakis about the production of the software "identified" in Ricoh's 3-1(f) disclosure. Your assertion in your letter to the contrary is false. Fourth, unlike Ricoh's admissions and the '432 patent identifying the KBSC System software as the preferred embodiment, which makes it relevant to claim construction, Ricoh has not articulated any reasonable argument as to why Synopsys' software is relevant to claim construction. Your threat to compel production based on your argument that because Ricoh made vague reference to Synopsys' software in its disclosures, Synopsys' products are now somehow relevant to claim construction, is ill conceived.

If Ricoh would like to pursue production of the software "identified" in its 3-1(f) disclosure—it must first meet and confer. Because Ricoh's 3-1(f) disclosure does not adequately identify any Synopsys product and Ricoh has failed to even identify the discovery requests on which it would be moving to compel, we ask that you identify specifically what Ricoh is seeking with this threatened motion and its basis for believing that it is discoverable now, i.e., that it is relevant to claim construction. When Ricoh provides us with these details, we will then schedule a meet and confer on this issue within a reasonable time.

Kenneth Brothers, Esq.
July 29, 2004
Page 3

If you have any questions, please feel free to contact me.

Very truly yours,



Matthew E. Hocker

MEH:sc

cc: Edward A. Meilman, Esq.
Michael A. Weinstein, Esq.



301 RAVENSWOOD AVENUE
MENLO PARK, CA 94025-3434
PHONE: 650.463.8100 • FAX: 650.463.8400

FACSIMILE COVER SHEET

DATE: July 29, 2004

TO:

1. NAME: Kenneth Brothers, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: _____

2. NAME: Edward A. Meilman, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
CITY: New York, NY FAX #: (212) 997-9880 PHONE #: _____

3. NAME: Michael A. Weinstein, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: _____

4. NAME: _____
CITY: _____ FAX #: _____ PHONE #: _____

5. NAME: _____ COMPANY: _____
CITY: _____ FAX #: _____ PHONE #: _____

FROM: NAME: Susan Crane for Matt Hocker
DIRECT DIAL NUMBER: (650) 463-8124 USER ID: 4099
NUMBER OF PAGES, INCLUDING COVER: 4 CHARGE NUMBER: 06816.0060.000000

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SUPPLEMENTAL MESSAGE:

Please see attached letter of this date from Matthew Hocker.

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* * * COMMUNICATION RESULT REPORT (JUL. 29. 2004 2:47PM) * * *

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PAGE

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	G3 : 2129979880	OK	4/4

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E-3) NO ANSWER
E-5) MAIL SIZE OVERE-2) BUSY
E-4) NO FACSIMILE CONNECTION

301 RAVENSWOOD AVENUE
MENLO PARK, CA 94025-3434
PHONE: 650.463.8100 • FAX: 650.463.8400

FACSIMILE COVER SHEET

DATE: July 29, 2004

TO:

1. NAME: Kenneth Brothers, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: _____

2. NAME: Edward A. Meilman, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
CITY: New York, NY FAX #: (212) 997-9880 PHONE #: _____

3. NAME: Michael A. Weinstein, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: _____

4. NAME: _____
CITY: _____ FAX #: _____ PHONE #: _____

5. NAME: _____
CITY: _____ FAX #: _____ PHONE #: _____

FROM: NAME: Susan Crane for Matt Hocker
DIRECT DIAL NUMBER: (650) 463-8124 USER ID: 4099
NUMBER OF PAGES, INCLUDING COVER: 4 CHARGE NUMBER: 06816.0060.000000

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SUPPLEMENTAL MESSAGE:

Please see attached letter of this date from Matthew Hocker.

EXHIBIT E

1 Gary M. Hoffman, pro hac vice
2 Kenneth W. Brothers, pro hac vice
3 Eric Oliver, pro hac vice
4 Dickstein Shapiro Morin & Oshinsky LLP
5 2101 L Street, NW
6 Washington, DC 20037-1526
7 Phone: (202) 785-9700
8 Fax: (202) 887-0689

6 Edward A. Meilman, pro hac vice
7 Dickstein Shapiro Morin & Oshinsky LLP
8 1177 Avenue of the Americas
9 New York, New York 10036-2714
10 Phone: (212) 835-1400
11 Fax: (212) 992-9880

9 Jeffrey B. Demain, State Bar No. 126715
10 Jonathan Weissglass, State Bar No. 185008
11 Altshuler, Berzon, Nussbaum,
12 Rubin & Demain
177 Post Street, Suite 300
San Francisco, California 94108
Phone: (415) 421-7151
Fax: (415) 362-8064

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

19 SYNOPSYS, INC.,)
20 Plaintiff,) Civil Action No. C03-02289-MJJ
21)
22) RICOH'S RESPONSE TO
23 v.) SYNOPSYS' FIRST SET OF
24) REQUESTS FOR PRODUCTION
25 RICOH COMPANY, LTD.) OF DOCUMENTS (1-51)
26 Defendant.)

**RICOH'S RESPONSE TO SYNOPSY'S
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS (1-51)**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendant Ricoh Company, Ltd., ("Ricoh") hereby responds to Plaintiff Synopsys Inc.'s ("Synopsys") First Set of Requests for Production of Documents (1-51).

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

8 1. Ricoh objects to the definition of “‘Ricoh,’ ‘you,’ and ‘your’” because the
9 phrase “predecessors in interest” both is vague so as to not be clear and comprehensible,
10 and also is overly broad because the phrase may be argued to include independent third
11 parties (e.g., “International Chip Corporation and Knowledge Based Silicon
12 Corporation.”). Therefore, Ricoh limits this definition to current entity known as Ricoh
13 Company, Ltd., without any inclusion of related companies. However, Ricoh is willing
14 to produce documents and things relating to the “predecessors in interest” if within
15 Ricoh’s possession, custody and control and those documents that can be located after a
16 reasonable search.

17 2. Ricoh objects to the definition of "Kobayashi Patents" as being overly
18 broad, unduly burdensome and not reasonably relevant to a claim or defense of any
19 party to the extent it seeks documents and things related to patents not asserted in this
20 litigation. Ricoh interprets this definition as being United States Patent Number
21 4,922,432 ("the '432 patent")

22 3. Ricoh objects to all of the Document Requests on the grounds that they are
23 overly broad and unduly burdensome to the extent that the Requests are not limited to a
24 specific time period. Notwithstanding this objection, Ricoh responses to any such
25 Requests will be limited to the time period from 1990 to the filing of the Complaint
26 except for documents relating to the development of the technology of the '432 patent,
27 the '432 prosecution history, and relating to Ricoh's response to Request No. 22.

1 4. Ricoh objects to all of the Document Requests to the extent that they seek
2 discovery of information or documents exceeding, or seek to impose definitions and
3 instructions exceeding, the permissible scope of discovery under the Federal Rules of
4 Civil Procedure ("FRCP" or the "Federal Rules"), the local civil rules of this Court and
5 applicable case law.

6 5. Ricoh objects to the Document Requests to the extent that they require
7 Ricoh to seek documents or information beyond that in its possession, custody or control
8 as such production is beyond the permissible scope of the Federal Rules or applicable
9 law and would further pose an undue burden on Ricoh.

10 6. Ricoh objects to all of the Document Requests to the extent that they seek
11 information or documents protected by the attorney-client privilege, the work product
12 doctrine, or any other privilege or immunity. Any inadvertent disclosure of such
13 information, or any disclosure of documents underlying that information, shall not be
14 deemed a waiver of the attorney-client privilege, the work product doctrine, or any other
15 privilege or immunity. In responding, Ricoh will comply consistent with the parties
16 Stipulated Protective Order when entered by the Court and pursuant to FRCP 26(b)(5).

17 7. Ricoh objects to all Document Requests to the extent that Synopsys is
18 asking Ricoh to identify and submit information from and about experts. Any such
19 information to which Synopsys is entitled will be provided in accordance with the
20 Federal Rules and consistent with the Scheduling Order in this case.

21 8. Ricoh objects to all Document Requests to the extent that Synopsys is
22 asking Ricoh to create and submit a claim construction chart. Ricoh will provide claim
23 charts in accordance with the Scheduling Order in this case.

24 9. Ricoh objects to all of the Document Requests as unduly burdensome and
25 not reasonably calculated to lead to the discovery of admissible evidence to the extent
26 that they seek information relating to its activities outside of the United States (other than
27 seeking foreign patents and foreign publications). However, to the extent that the
28 requested information refers or relates to activities relating to the United States, foreign

1 patents, foreign publications, and subject to any other objections, Ricoh is willing to
2 provide the requested information.

3 10. Ricoh and its attorneys have not completed discovery or trial preparation,
4 nor have they concluded their analysis of the information gathered to date by the Parties.
5 Ricoh is continuing its investigation to obtain information responsive to the Document
6 Requests. Therefore, all of the following responses are given without prejudice to Ricoh's
7 right to introduce documents or information discovered or deemed responsive
8 subsequent to the date of these responses.

9 11. Any statements made herein regarding Ricoh's intention to provide
10 information or documents responsive to any given Document Request does not
11 necessarily indicate or imply the existence of any information or documents responsive
12 thereto. Furthermore, any information provided or referred to herein is not deemed to be
13 a waiver of Ricoh's objections as to the competency, relevance, privilege or admissibility
14 as evidence in this or any subsequent proceeding or trial in this or any other action for
15 any purpose whatsoever. In addition, Ricoh reserves the right to supplement or amend
16 its response to the Document Requests based upon information, documents, and things it
17 receives during discovery or obtains upon further investigation.

18 12. In gathering relevant and responsive documents, Ricoh has interpreted the
19 Document Requests utilizing ordinary meanings of words and has expended reasonable
20 efforts to identify and deliver documents that appear responsive. To the extent that the
21 Document Requests purport to seek documents other than as so interpreted, Ricoh
22 objects on the ground that the Document Requests are vague, ambiguous and overbroad.

23 13. To the extent the Document Requests seek trade secrets or confidential
24 documents or information, Ricoh will produce, subject to the Protective Order, any such
25 documents or information to which Synopsys is entitled.

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1 **RESPONSES AND SPECIFIC OBJECTIONS TO SYNOPSYS' FIRST REQUEST FOR**
2 **PRODUCTION OF DOCUMENTS (1-51)**

3 Ricoh incorporates all of its Objections to Definitions and Instructions set forth
4 above and, subject to and without waiving these Objections, further objects and responds
5 to the numbered Document Requests as follows:

6 **REQUEST NO. 1:**

7 All organizational charts sufficient to show the organization of Ricoh and
8 Ricoh personnel involved in any research and development, testing, experimentation,
9 patent activities, engineering or design related to the subject matter of the Kobayashi
10 Patents.

11 **RESPONSE:**

12 Ricoh objects to this Request as overly broad and not reasonably relevant to a
13 claim or defense of any party to the extent it seeks documents and things related to the
14 subject matter of patents not asserted in this litigation. Ricoh further objects to this
15 Request as vague and overly broad and unduly burdensome in that "subject matter of
16 the Kobayashi Patents" is not adequately defined. In response to this Request, Ricoh has
17 construed "subject matter of the Kobayashi Patents" to mean generally the inventions
18 recited in claims 13-20 of the '432 patent. Subject to and without waiving the Objections
19 to Definitions and Instructions and foregoing objections, Ricoh will produce any
20 responsive, non-privileged documents in its possession, custody or control relating to the
21 '432 that can be located after a reasonable search.

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23 **REQUEST NO. 2:**

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25 All documents regarding, referring or relating to any research and
26 development, testing, experimentation, patent activities, engineering or design of any
27 article or product embodying or created using the alleged inventions that are the subject
28 matter of the Kobayashi Patents.

1 **RESPONSE:**

2 Ricoh objects to this Request as overly broad and not reasonably relevant to a
3 claim or defense of any party to the extent it seeks documents related to the subject
4 matter of patents not asserted in this litigation. Ricoh further objects to this Request as
5 vague and overly broad and unduly burdensome in that "subject matter of the
6 Kobayashi Patents" is not adequately defined. Ricoh further objects to this Request as
7 vague and overly broad and unduly burdensome in that "design of any article or product
8 embodying or created using the alleged inventions" is not adequately defined. In
9 response to this Request, Ricoh has construed "subject matter of the Kobayashi Patents"
10 to mean generally the inventions recited in claims 13-20 of the '432 patent. Ricoh further
11 objects to this Request as overly broad and unduly burdensome to the extent that it calls
12 for documents not within the possession, custody, and control of Ricoh. Subject to and
13 without waiving the Objections to Definitions and Instructions and foregoing objections,
14 Ricoh will produce any responsive, non-privileged documents in its possession, custody
15 or control relating to the '432 that can be located after a reasonable search.

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17 **REQUEST NO. 3:**

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19 All documents regarding, referring or relating to Synopsys' products (other
20 than documents produced by the Synopsys or the customer defendants in this or any
21 other action), including but not limited to product monitoring, testing or analyses,
22 infringement analyses, market analyses, sales projections, consumer preference surveys
23 and consultant reports.

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RESPONSE:

Ricoh objects to this Request as overly broad and not reasonably relevant to a
claim or defense of any party to the extent it seeks documents regarding, referring or
relating to "Synopsys' products" not related to this action. Ricoh objects to this Request
as overly broad and not reasonably relevant to a claim or defense of any party to the

1 extent it seeks documents regarding, referring or relating to "Synopsys' products" not in
 2 the possession, control and custody of Ricoh. Ricoh further objects to this request as
 3 being vague and overly broad and unduly burdensome to the extent that it seeks
 4 information relating to all of Synopsys' products. Ricoh objects to this request that it
 5 calls for any privileged communication. Ricoh objects to this request to the extent that it
 6 potentially calls for claim interpretation prematurely. Ricoh will produce claim
 7 interpretations at a time established by and to the extent required by a scheduling order
 8 in this case, subject to any other objections. Subject to and without waiving the
 9 Objections to Definitions and Instructions and foregoing objections, Ricoh will produce
 10 any responsive, non-privileged documents in its possession, custody or control relating
 11 to the '432 that can be located after a reasonable search .

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13 **REQUEST NO. 4:**

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15 All documents regarding, referring or relating to communication, meetings,
 16 contacts or other dealings between any of Ricoh, International Chip Corporation,
 17 Knowledge Based Silicon, or any of their subsidiaries, successors in interest or agents or
 18 any other person, including without limitation, any of the Defendants' actual or potential
 19 customers, business partners or licensees, regarding, referring or relating to this lawsuit
 20 or any allegations, claims or potential claims that Defendants have infringed or will
 21 infringe the Kobayashi Patents.

21

22 **RESPONSE:**

22

23 Ricoh objects to this Request as overly broad and not reasonably relevant to a
 24 claim or defense of any party to the extent it seeks documents regarding, referring or
 25 relating to "potential claims" or patents that are not asserted in this litigation. Ricoh
 26 further objects to this Request to the extent it seeks documents subject to the attorney
 27 client, work product or other privilege. Ricoh further objects to this request as overly
 28 broad and unduly burdensome to the extent it seeks to require Ricoh to produce

1 documents not in Ricoh's possession, custody or control, including documents of
2 International Chip Corporation, Knowledge Based Silicon or any other third party. Ricoh
3 further objects to this Request to the extent it seeks documents subject to the attorney
4 client, work product or other privilege. Ricoh objects to this request to the extent that it
5 potentially calls for claim interpretation prematurely. Ricoh will produce claim
6 interpretations at a time established by and to the extent required by a scheduling order
7 in this case, subject to any other objections. However, subject to and without waiving the
8 Objections to Definitions and Instructions and foregoing objections, Ricoh will produce
9 any responsive, non-privileged documents in its possession, custody or control
10 regarding, referring or relating to the '432 patent that can be located after a reasonable
11 search.

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13 **REQUEST NO. 5:**

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15 All documents regarding, referring or relating to the alleged infringement of
16 the Kobayashi Patents by any person, including all documents regarding, referring or
17 relating to any investigation, litigation, threat of litigation or other enforcement, or
18 attempted enforcement of the Kobayashi Patents.

19

20 **RESPONSE:**
21 Ricoh objects to this Request as overly broad and not reasonably relevant to a
22 claim or defense of any party to the extent it seeks documents regarding, referring or
23 relating to patents not asserted in this litigation, or to documents and information
24 regarding, referring or relating to third party products not related to the subject matter of
25 this litigation. In responding to this Request, Ricoh has construed "Kobayashi Patents"
26 to mean the '432 patent. Ricoh further objects to this Request to the extent it seeks
27 documents subject to the attorney client, work product or other privilege. Ricoh will,
28 however, provide a privilege log in compliance with FRCP 26(b)(5) and consistent with a
Protective Order in this case. Ricoh objects to this request to the extent that it potentially

1 calls for claim interpretation prematurely. Ricoh will produce claim interpretations at a
2 time established by and to the extent required by a scheduling order in this case, subject
3 to any other objections. Subject to and without waiving the Objections to Definitions and
4 Instructions and foregoing objections, Ricoh will produce any responsive, non-privileged
5 documents in its possession, custody or control relating to the '432 that can be located
6 after a reasonable search.

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8 **REQUEST NO. 6:**

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10 All documents regarding, referring or relating to any facts which evidence, or
11 otherwise support or constitute the basis for, any contention by Ricoh that any claim of
12 the Kobayashi Patents is infringed by any of the Synopsys' products or the use thereof.

13 **RESPONSE:**

14 Ricoh objects to this Request as overly broad and not reasonably relevant to a
15 claim or defense of any party to the extent it seeks documents regarding, referring or
16 relating to patents that are not asserted in this litigation. In responding to this Request,
17 Ricoh has construed "Kobayashi Patents" to mean the '432 patent. Ricoh objects to this
18 Request as overly broad and not reasonably relevant to a claim or defense of any party to
19 the extent it seeks documents regarding, referring or relating to patents not asserted in
20 this litigation, or to documents and information regarding, referring or relating to third
21 party products not related to the subject matter of this litigation. Ricoh objects to this
22 Request as overly broad and unduly burdensome to the extent that it calls for documents
23 not in its possession, control or custody. In responding to this Request, Ricoh has
24 construed "Kobayashi Patents" to mean the '432 patent. Ricoh further objects to this
25 Request to the extent it seeks documents subject to the attorney client, work product or
26 other privilege. Ricoh will, however, provide a privilege log in compliance with FRCP
27 26(b)(5) and consistent with a Protective Order in this case. Ricoh objects to this request
28 to the extent that it potentially calls for claim interpretation prematurely, in violation of

1 Patent Local Rule 2-5. Ricoh will produce claim interpretations at a time established by
 2 and to the extent required by a scheduling order in this case, subject to any other
 3 objections. Subject to and without waiving the Objections to Definitions and Instructions
 4 and foregoing objections, Ricoh will produce any responsive, non-privileged documents
 5 in its possession, custody or control relating to the '432 that can be located after a
 6 reasonable search.

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8 **REQUEST NO. 7:**

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 10 All documents regarding, referring or relating to any investigation, test, study,
 11 opinion, search, review, belief or comment relating to whether any products
 12 manufactured, used or sold by the Defendants, or any other party, infringe or do not
 13 infringe any of the claims of the Kobayashi Patents.

14 **RESPONSE:**

15 Ricoh objects to this Request as overly broad and not reasonably relevant to a
 16 claim or defense of any party to the extent it seeks documents regarding, referring or
 17 relating to "products" that are not accused in this litigation and to patents that are not
 18 asserted in this litigation. In responding to this Request, Ricoh has construed "Kobayashi
 19 Patents" to mean the '432 patent. Ricoh further objects to this Request to the extent it
 20 seeks documents subject to the attorney client, work product or other privilege. Ricoh
 21 objects to this Request as overly broad and unduly burdensome to the extent that it calls
 22 for documents not in its possession, control or custody. Ricoh further objects to this
 23 Request as premature since discovery has just commenced and to the extent it requests
 24 Ricoh to identify and produce documents from experts. Ricoh will identify and produce
 25 information from and about experts to which Synopsys is entitled in accordance with the
 26 Federal Rules and consistent with the Scheduling Order in this case. Subject to and
 27 without waiving the Objections to Definitions and Instructions and foregoing objections,

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1 Ricoh will produce any responsive, non-privileged documents in its possession, custody
 2 or control relating to the '432 that can be located after a reasonable search.

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4 **REQUEST NO. 8:**

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6 All documents regarding, referring or relating to the Kobayashi Patents, or any
 7 foreign counterpart to those patents or any application for such patents or counterpart at
 8 any time, including the prosecution histories of such patents.

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10 **RESPONSE:**

11 Ricoh objects to this Request as overly broad and not reasonably relevant to a
 12 claim or defense of any party to the extent it seeks documents regarding, referring or
 13 relating to patents that are not asserted in this litigation. Ricoh objects to this Request as
 14 overly broad and unduly burdensome to the extent that it calls for documents not in its
 15 possession, control or custody. Ricoh further objects to this Request to the extent it seeks
 16 documents subject to the attorney client, work product or other privilege. In responding
 17 to this Request, Ricoh has construed "Kobayashi Patents" to mean the '432 patent.

18 Subject to and without waiving the Objections to Definitions and Instructions and
 19 foregoing objections, Ricoh will produce any responsive, non-privileged documents in its
 20 possession, custody or control relating to the '432 that can be located after a reasonable
 21 search.

22 **REQUEST NO. 9:**

23 All files of Hideaki Kobayashi or Masahiro Shindo, Tai Sugimoto, or Haruo
 24 Nakayama or any persons who may have worked with them, regarding the design or
 25 verification of application specific integrated circuits, or the subject matter of the
 26 Kobayashi Patents.

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1 **RESPONSE:**

2 Ricoh objects to this Request as overly broad, unduly burdensome and not
 3 reasonably relevant to a claim or defense of any party to the extent it seeks documents
 4 regarding the design or verification of application specific integrated circuits after the
 5 filing date of the '432 patent, and to the extent the Request seeks documents regarding
 6 "the subject matter of" patents not asserted in this litigation. However, in responding to
 7 this Request, Ricoh has construed "the subject matter of the Kobayashi Patents" to mean
 8 the inventions recited in claims 13-20 of the '432 patent. Ricoh further objects to this
 9 Request to the extent it seeks files and documents related to the design or verification of
 10 application specific integrated circuits to the extent that it is not related to the '432
 11 patents. Ricoh further objects to this Request to the extent it seeks documents that are not
 12 in Ricoh's possession, custody or control, including (without limitation) any such
 13 documents of third parties. Subject to and without waiving the Objections to Definitions
 14 and Instructions and foregoing objections, Ricoh will produce any responsive, non-
 15 privileged documents in its possession, custody or control relating to the '432 that can be
 16 located after a reasonable search.

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18 **REQUEST NO. 10:**

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20 All documents regarding, referring or relating to the ownership of any rights,
 21 title or interest in or to (a) the Kobayashi Patents (b) any continuation, division, parent,
 22 foreign counterpart or otherwise related patent or (c) the subject matter described in the
 23 Kobayashi Patents or in the patent application for such patents.

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RESPONSE:

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26 Ricoh objects to this Request as overly broad and not reasonably relevant to a
 27 claim or defense of any party to the extent it seeks documents regarding, referring or
 28 relating to patents, including without limitation any continuation, division, parent,
 foreign counterpart or otherwise related patent or "subject matter described in" patents

1 or applications for such patents that are not asserted in this litigation. Ricoh further
2 objects to this request as vague in that "the Kobayashi patents" is not sufficiently defined
3 in a way to be clear or comprehensible. In responding to this Request, Ricoh has
4 construed "the Kobayashi Patents" to mean the '432 patent. Ricoh further objects to this
5 Request to the extent it seeks documents that are not in Ricoh's possession, custody or
6 control, including (without limitation) any such documents of third parties. Subject to
7 and without waiving the Objections to Definitions and Instructions and foregoing
8 objections, Ricoh will produce any responsive, non-privileged documents in its
9 possession, custody or control relating to the '432 that can be located after a reasonable
10 search.

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12 **REQUEST NO. 11:**

13 All license agreements, cross-license agreements, or any other form of
14 agreement involving the Kobayashi Patents, including any general license agreements
15 that do not explicitly refer to the Kobayashi Patents but may grant rights to practice these
16 patents.

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18 **RESPONSE:**

19 Ricoh objects to this Request as overly broad and not reasonably relevant to a
20 claim or defense of any party to the extent it seeks documents involving patents that are
21 not asserted in this litigation. Ricoh further objects to this request as vague in that "the
22 Kobayashi patents" is not sufficiently defined in a way to be clear or comprehensible. In
23 responding to this Request, Ricoh has construed "the Kobayashi Patents" to mean the
24 '432 patent. Ricoh further objects to this Request to the extent it seeks documents that are
25 not in Ricoh's possession, custody or control, including (without limitation) any such
26 documents of third parties. However, subject to and without waiving the Objections to
27 Definitions and Instructions and foregoing objections, Ricoh will produce any
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1 responsive, non-privileged documents in its possession, custody or control specifically
2 involving the '432 patent that can be located after a reasonable search.

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4 **REQUEST NO. 12:**

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6 All documents regarding, referring or relating to inquiries or requests by, or
7 negotiations with, other persons for rights either to the Kobayashi Patents or to
8 technologies discussed in the Kobayashi Patents, including but not limited to
9 correspondence or other communications between Ricoh and any licensee, and any
10 documents prepared, used, exchanged, or otherwise regarding, referring or relating to
11 the negotiation or attempted negotiation of a license under the Kobayashi Patents.

12 **RESPONSE:**

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14 Ricoh objects to this Request as overly broad and not reasonably relevant to a
15 claim or defense of any party to the extent it seeks documents regarding, referring or
16 relating to "technologies discussed in" patents or to patents that are not asserted in this
17 litigation. Ricoh further objects to this request as vague in that "the Kobayashi patents"
18 is not sufficiently defined in a way to be clear or comprehensible. In responding to this
19 Request, Ricoh has construed "the Kobayashi Patents" to mean the '432 patent. Ricoh
20 further objects to this Request to the extent it seeks documents that are not in Ricoh's
21 possession, custody or control, including (without limitation) any such documents of
22 third parties. However, subject to and without waiving the Objections to Definitions and
23 Instructions and foregoing objections, Ricoh will produce any responsive, non-
24 privileged documents in its possession, custody or control relating to the '432 patent that
25 can be located after a reasonable search.

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1 **REQUEST NO. 13:**

2 All publications, articles, presentations, technical disclosures and other such
3 documents (including drafts of articles, cover letters for article submissions,
4 correspondence from publishers and cited sources) regarding, referring or relating to the
5 design or verification of application specific integrated circuits, or the subject matter of
6 the Kobayashi Patents.

7 **RESPONSE:**

8 Ricoh objects to this Request as overly broad and not reasonably relevant to a
9 claim or defense of any party to the extent it seeks documents regarding, referring or
10 relating to the subject matter of patents not asserted in this litigation. Ricoh further
11 objects to this Request as vague in that "subject matter of the Kobayashi Patents" is not
12 adequately defined in a way to be clear and comprehensible. Ricoh has, however,
13 construed "subject matter of the Kobayashi Patents" to mean the inventions recited in
14 claims 13-20 of the '432 patent. Ricoh further objects to this Request to the extent that it
15 seeks documents and things that do not regard, refer or relate to activities occurring in
16 the United States, or patents or publications. In responding to this Request, Ricoh has
17 construed "the Kobayashi Patents" to mean the '432 patent. Ricoh further objects to this
18 Request to the extent it seeks documents that are not in Ricoh's possession, custody or
19 control, including (without limitation) any such documents of third parties. However,
20 subject to and without waiving the Objections to Definitions and Instructions and
21 foregoing objections, Ricoh will produce any responsive, non-privileged documents in
22 its possession, custody or control relating to the '432 patent that can be located after a
23 reasonable search.

25 **REQUEST NO. 14:**

27 All documents regarding, referring or relating to the conception or research
28 and development of the alleged inventions which are the subject matter of the Kobayashi

1 Patents, including but not limited to invention disclosure documents, notes, notebook
2 entries, sketches, drawings, schematics, memoranda, reports, correspondence, records of
3 tests and records of meetings.

4 **RESPONSE:**

5 Ricoh objects to this Request as overly broad and not reasonably relevant to a
6 claim or defense of any party to the extent it seeks documents regarding, referring or
7 relating to inventions which are the "subject matter of" patents not asserted in this
8 litigation. Ricoh further objects to this Request as vague in that "subject matter of the
9 Kobayashi Patents" is not adequately defined in a way to be clear and comprehensible.
10 In response to this Request, Ricoh has construed "inventions which are the subject matter
11 of the Kobayashi Patents" to mean inventions recited in claims 13-20 of the '432 patent.
12 Ricoh further objects to this Request to the extent that it seeks documents that are not in
13 Ricoh's possession, custody or control, including (without limitation) any such
14 documents of third parties. However, subject to and without waiving the Objections to
15 Definitions and Instructions and foregoing objections, Ricoh will produce any
16 responsive, non-privileged documents in its possession, custody or control relating to the
17 '432 that can be located after a reasonable search .
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19 **REQUEST NO. 15:**

20 All documents regarding, referring or relating to the reduction to practice of
21 the alleged inventions which are the subject matter of the Kobayashi Patents, including
22 but not limited to invention disclosure statements, notes, notebook entries, sketches,
23 drawings, schematics, memoranda, reports, correspondence, records of tests and records
24 of meetings.
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1 **RESPONSE:**

2 Ricoh objects to this Request as overly broad and not reasonably relevant to a
 3 claim or defense of any party to the extent it seeks documents regarding, referring or
 4 relating to inventions which are the "subject matter of" patents not asserted in this
 5 litigation. Ricoh further objects to this Request as vague in that "subject matter of the
 6 Kobayashi Patents" is not adequately defined in a way to be clear and comprehensible.
 7 Ricoh has, however, construed "inventions which are the subject matter of the Kobayashi
 8 Patents" to mean inventions recited in claims 13-20 of the '432 patent. Subject to and
 9 without waiving the Objections to Definitions and Instructions and foregoing objections,
 10 Ricoh will produce any responsive, non-privileged documents in its possession, custody
 11 or control relating to the '432 that can be located after a reasonable search.

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13 **REQUEST NO. 16:**

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15 All documents regarding, referring or relating to any diligent effort, between
 16 the time of alleged conception and the time of alleged reduction to practice, to reduce the
 17 alleged inventions which are the subject matter of the Kobayashi Patents to practice,
 18 including but not limited to invention disclosure documents, notes, notebooks, entries,
 19 sketches, drawings, schematics, memoranda, reports, correspondence, records of tests
 20 and records of meetings.

21

22 **RESPONSE:**

23

24 Ricoh objects to this Request as overly broad and not reasonably relevant to a
 25 claim or defense of any party to the extent it seeks documents regarding, referring or
 26 relating to inventions which are the "subject matter of" patents not asserted in this
 27 litigation. Ricoh further objects to this Request as vague in that "subject matter of the
 28 Kobayashi Patents" is not adequately defined in a way to be clear and comprehensible.
 In response to this Request, Ricoh has construed "inventions which are the subject matter
 of the Kobayashi Patents" to mean inventions recited in claims 13-20 of the '432 patent.

1 Ricoh further objects to this Request to the extent it seeks documents that are not in
 2 Ricoh's possession, custody or control, including (without limitation) any such
 3 documents of third parties. Subject to and without waiving the Objections to Definitions
 4 and Instructions and foregoing objections, Ricoh will produce any responsive, non-
 5 privileged documents in its possession, custody or control relating to the '432 that can be
 6 located after a reasonable search.

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8 **REQUEST NO. 17:**

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 10 All documents regarding, referring or relating to the first disclosure of the
 11 alleged inventions that are the subject matter of the Kobayashi Patents to anyone,
 12 including persons inside or outside of Ricoh, and including documents sufficient to show
 13 when each such disclosure occurred.

14 **RESPONSE:**

15 Ricoh objects to this Request as overly broad and not reasonably relevant to a
 16 claim or defense of any party to the extent it seeks documents regarding, referring or
 17 relating to inventions that are the "subject matter of" patents not asserted in this
 18 litigation. Ricoh further objects to this Request as vague in that "subject matter of the
 19 Kobayashi Patents" is not adequately defined in a way to be clear and comprehensible.
 20 Ricoh has, however, construed "inventions that are the subject matter of the Kobayashi
 21 Patents" to mean inventions recited in claims 13-20 of the '432 patent. Ricoh further
 22 objects to this Request as vague in that "first disclosure... to anyone, including persons
 23 inside or outside of Ricoh" is not adequately defined in a way to be clear or
 24 comprehensible. Ricoh has, however, construed the phrase to mean the first disclosure
 25 known to Ricoh (whether such disclosure was made to persons within Ricoh or to third
 26 parties in the United States). Ricoh further objects to this Request to the extent it seeks
 27 documents that are not in Ricoh's possession, custody or control, including (without
 28 limitation) any such documents of third parties. Subject to and without waiving the

1 Objections to Definitions and Instructions and foregoing objections, Ricoh will produce
2 any responsive, non-privileged documents in its possession, custody or control relating
3 to the '432 that can be located after a reasonable search.

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5 **REQUEST NO. 18:**

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7 All documents regarding, referring or relating to any use (including
8 experimental or commercial uses), disclosures, demonstration, offer for sale, advertising,
9 or promotional activity of any product that embodies or embodied any alleged invention
10 claimed in the Kobayashi Patents.

11

12 **RESPONSE:**

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14 Ricoh objects to this Request as overly broad and not reasonably relevant to a
15 claim or defense of any party to the extent it seeks documents regarding, referring or
16 relating to patents that are not asserted in this litigation. In responding to this Request,
17 Ricoh has construed "Kobayashi Patents" to mean the '432 patent. Ricoh further objects
18 to this request as overly broad and unduly burdensome and not reasonably relevant to a
19 claim or defense of any party to the extent it seeks production of documents including
20 use, disclosures, demonstration, offer for sale, advertising, or promotional activity of any
21 product after January 18, 1988. Ricoh also objects to this Request as not reasonably
22 relevant to a claim or defense of any party to the extent that it seeks documents and
23 things that do not regard, refer or relate to activities occurring in the United States or to
24 patents or publications. Subject to and without waiving the Objections to Definitions and
25 Instructions and foregoing objections, Ricoh will produce any responsive, non-privileged
26 documents in its possession, custody or control relating to the '432 that can be located
27 after a reasonable search.

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1 **REQUEST NO. 19:**

2 All United States and foreign patents, patent applications and provisional
3 applications, whether issued, pending, abandoned or otherwise withdrawn, regarding,
4 referring or relating to the subject matter of the Kobayashi Patents.

5 **RESPONSE:**

6 Ricoh objects to this Request as overly broad and not reasonably relevant to a
7 claim or defense of any party to the extent it seeks documents regarding, referring or
8 relating to "the subject matter of" patents not asserted in this litigation and it seeks all
9 patents, patent applications and provisional applications subsequent to the filing of the
10 '432 patent. In responding to this Request, Ricoh has construed "Kobayashi Patents" to
11 mean the '432 patent. However, subject to and without waiving the Objections to
12 Definitions and Instructions and foregoing objections, Ricoh will produce any
13 responsive, non-privileged documents in its possession, custody or control relating to the
14 '432 that can be located after a reasonable search.

16 **REQUEST NO. 20:**

18 All documents regarding, referring or relating to the prosecution of the
19 applications that led to the Kobayashi Patents, and any foreign counterparts of the
20 Kobayashi Patents, and any application for reissues, reexamination, continuation,
21 continuation in part or divisional application claiming any benefit of any filing date from
22 any application that led to the issuance of the Kobayashi Patents, including without
23 limitation files from Ricoh's legal department, the files of outside counsel who advised
24 Ricoh regarding these patents or the files of technical persons at Ricoh who consulted or
25 assisted regarding the prosecution of the applications.

26 **RESPONSE:**

27 Ricoh objects to this Request as overly broad and not reasonably relevant to a
28 claim or defense of any party to the extent it seeks documents regarding, referring or

1 relating to patents that are not asserted in this litigation. In responding to this Request,
2 Ricoh has construed "Kobayashi Patents" to mean the '432 patent. Ricoh further objects
3 to this Request to the extent it seeks documents subject to the attorney client, work
4 product or other privilege. Ricoh further objects to this Request to the extent it seeks
5 documents that are not in Ricoh's possession, custody or control, including (without
6 limitation) any such documents of third parties. Subject to and without waiving the
7 Objections to Definitions and Instructions and foregoing objections, Ricoh will produce
8 any responsive, non-privileged documents in its possession, custody or control relating
9 to the '432 that can be located after a reasonable search.

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11 **REQUEST NO. 21:**

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13 All documents regarding, referring or relating to any interview, presentation,
14 or other communication made to, or received from, PTO personnel in connection with
15 the prosecution of the Kobayashi Patents, including without limitation, reports and notes
16 made before, during or after such interviews and presentations, letter of transmittal,
17 communications, and records of communications.

18

19 Ricoh objects to this Request as overly broad and not reasonably relevant to a
20 claim or defense of any party to the extent it seeks documents regarding, referring or
21 relating to patents that are not asserted in this litigation. In responding to this Request,
22 Ricoh has construed "Kobayashi Patents" to mean the '432 patent. Ricoh further objects
23 to this Request to the extent it seeks documents subject to attorney client, work product
24 or other privilege. Ricoh further objects to this Request to the extent it seeks documents
25 that are not in Ricoh's possession, custody or control, including (without limitation) any
26 such documents of third parties. Subject to and without waiving the Objections to
27 Definitions and Instructions and foregoing objections, Ricoh will produce any
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1 responsive, non-privileged documents in its possession, custody or control relating to the
 2 '432 that can be located after a reasonable search.

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4 **REQUEST NO. 22:**

5 All documents ever considered by or on behalf of Ricoh as possibly regarding,
 6 referring or relating to any device or process which might possibly be prior art with
 7 respect to the Kobayashi Patents, or any foreign counterpart or patent application,
 8 including but not limited to documents resulting from any prior art or patentability
 9 search, from examination in or by the PTO or any foreign patent office or authority, or
 10 from research conducted by or on behalf of Ricoh or provided to Ricoh by another party.

11 **RESPONSE:**

12 Ricoh objects to this Request as overly broad and not reasonably relevant to a
 13 claim or defense of any party to the extent it seeks documents regarding, referring or
 14 relating to patents that are not asserted in this litigation. In responding to this Request,
 15 Ricoh has construed "Kobayashi Patents" to mean the '432 patent. Ricoh further objects
 16 to this Request as vague in that "possibly" is not adequately defined in a way to be clear
 17 or comprehensible. Ricoh further objects to this Request to the extent it seeks documents
 18 subject to attorney client, work product or other privilege. Ricoh further objects to this
 19 Request to the extent it seeks documents that are not in Ricoh's possession, custody or
 20 control, including (without limitation) any such documents of third parties. Subject to
 21 and without waiving the Objections to Definitions and Instructions and foregoing
 22 objections, Ricoh will produce any responsive, non-privileged documents in its
 23 possession, custody or control relating to the '432 that can be located after a reasonable
 24 search.

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1 **REQUEST NO. 23:**

2 All documents that are known to Ricoh or have been asserted by anyone as
3 being relevant to the validity, enforceability and/or scope of any of the claims of the
4 Kobayashi Patents.

5 **RESPONSE:**

6 Ricoh objects to this Request as overly broad and not reasonably relevant to a
7 claim or defense of any party to the extent it seeks documents regarding, referring or
8 relating to patents that are not asserted in this litigation. In responding to this Request,
9 Ricoh has construed "Kobayashi Patents" to mean the '432 patent and "PTO" to mean the
10 U.S. Patent and Trademark Office. Ricoh further objects to this Request to the extent it
11 seeks documents that are not in Ricoh's possession, custody or control, including
12 (without limitation) any such documents of third parties. Additionally, Ricoh objects to
13 this Request as overly burdensome and vague to the extent that it seeks documents that
14 (as an alternative to being known to Ricoh), "have been asserted by anyone". Ricoh
15 further objects to this Request to the extent it seeks documents subject to attorney client,
16 work product or other privilege. Ricoh further objects to this Request to the extent it
17 seeks documents that are not in Ricoh's possession, custody or control, including
18 (without limitation) any such documents of third parties. Subject to and without waiving
19 the Objections to Definitions and Instructions and foregoing objections, Ricoh will
20 produce any responsive, non-privileged documents in its possession, custody or control
21 relating to the '432 that can be located after a reasonable search.

22
23 **REQUEST NO. 24:**

24 All documents and things, including searches, studies, or opinions, prepared
25 by or on behalf of Ricoh regarding, referring or relating to the validity or invalidity,
26 patentability, enforceability or scope of the Kobayashi Patents, including any analysis of
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1 prior art references cited by the PTO or any foreign patent office in connection with the
 2 prosecution of the Kobayashi Patents, any related patent or a foreign counterpart.

3 **RESPONSE:**

4 Ricoh objects to this Request as overly broad and not reasonably relevant to a
 5 claim or defense of any party to the extent it seeks documents regarding, referring or
 6 relating to patents that are not asserted in this litigation. In responding to this Request,
 7 Ricoh has construed "Kobayashi Patents" to mean the '432 patent. Ricoh further objects
 8 to this Request to the extent it seeks documents subject to attorney client, work product
 9 or other privilege. Ricoh further objects to this Request to the extent it seeks documents
 10 that are not in Ricoh's possession, custody or control, including (without limitation) any
 11 such documents of third parties. Subject to and without waiving the Objections to
 12 Definitions and Instructions and foregoing objections, Ricoh will produce any
 13 responsive, non-privileged documents in its possession, custody or control relating to the
 14 '432 that can be located after a reasonable search.

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16 **REQUEST NO. 25:**

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18 All documents regarding, referring or relating to Ricoh's interpretations of the
 19 claims of the Kobayashi Patents, including without limitation documents generated in
 20 connection with any prior suits or threat of suit, documents containing allegations of
 21 infringement, infringement studies or analyses or statements regarding, referring or
 22 relating to the meaning, scope, or application of the Kobayashi Patents.

23 **RESPONSE:**

24

25 Ricoh objects to this Request as overly broad and not reasonably relevant to a
 26 claim or defense of any party to the extent it seeks documents regarding, referring or
 27 relating to patents that are not asserted in this litigation. In responding to this Request,
 28 Ricoh has construed "Kobayashi Patents" to mean the '432 patent. Ricoh further objects
 to this Request to the extent that it seeks documents subject to attorney client, work

1 product or other privilege. Ricoh further objects to this Request as premature to the
2 extent that it seeks claim charts setting forth Ricoh's claim construction where such charts
3 have not been previously presented to third parties. Ricoh objects to this request to the
4 extent that it potentially calls for claim interpretation prematurely. Ricoh will produce
5 claim interpretations at a time established by and to the extent required by a scheduling
6 order in this case, subject to any other objections. Subject to and without waiving the
7 Objections to Definitions and Instructions and foregoing objections, Ricoh will produce
8 any responsive, non-privileged documents in its possession, custody or control relating
9 to the '432 that can be located after a reasonable search.

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11 **REQUEST NO. 26:**

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13 All documents regarding, referring or relating to any alleged commercial
14 success of any alleged invention claimed in the Kobayashi Patents, including but not
15 limited to:

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17 a) Documents showing the nexus between the alleged commercial success and
the claimed subject matter of the Kobayashi Patents;

18

19 b) Documents identifying the allegedly commercially successful devices or
20 processes falling within the claims of the Kobayashi Patents.

21

22 c) Documents showing licensing revenue attributed to licensing of any
invention claimed in the Kobayashi Patents;

23

24 d) Documents showing the total market in which the device or process of any
25 alleged invention claimed in any of the Kobayashi Patents competes and the percent of
26 that market (based on units or dollars) which is attributable to the products of said
27 invention;

28

1 e) Documents showing commendation or tribute by competitors, customers,
2 or others in the industry to any alleged advance attributed to any devices or processes
3 allegedly covered by any claim of the Kobayashi Patents; and

5 f) Documents showing actual savings achieved in commercial practice by use
6 of any devices or processes allegedly covered by any claims of the Kobayashi Patents and
the basis for computing such savings.

RESPONSE:

Ricoh objects to this Request as overly broad and not reasonably relevant to a claim or defense of any party to the extent it seeks documents regarding, referring or relating to patents that are not asserted in this litigation. In responding to this Request, Ricoh has construed "Kobayashi Patents" to mean the '432 patent. Ricoh further objects to this Request as overly broad and unduly burdensome in that no time period is specified. To the extent this Request seeks documents related to objective indications of non-obviousness, Ricoh objects to this Request as premature since discovery has just commenced and unduly burdensome in that Defendants have not provided any discovery in support of an obviousness defense. Subject to and without waiving the Objections to Definitions and Instructions and foregoing objections, Ricoh will produce any responsive, non-privileged documents in its possession, custody or control relating to the '432 that can be located after a reasonable search.

REQUEST NO. 27:

All documents regarding, referring or relating to, or contradicting, any "secondary" consideration of obviousness with respect to any alleged invention claimed in the Kobayashi Patents, including but not limited to:

1 a) alleged prior attempts and failures of Ricoh, its assignors, or others in the
2 art to make the advances or to solve the problems allegedly made or solved by any
3 alleged invention claimed in the Kobayashi Patents;

4 b) any alleged long felt need in the industry which was allegedly satisfied in
5 whole or in part by any product covered by any claim of the Kobayashi Patents; and
6

7 c) any alleged initial skepticism relating to products of any alleged invention
8 claimed in the Kobayashi Patents.

9 **RESPONSE:**

10 Ricoh objects to this Request as overly broad and not reasonably relevant to a
11 claim or defense of any party to the extent it seeks documents regarding, referring or
12 relating to patents that are not asserted in this litigation. In responding to this Request,
13 Ricoh has construed "Kobayashi Patents" to mean the '432 patent. Ricoh further objects
14 to this Request as overly broad and unduly burdensome in that no time period is
15 specified. Ricoh also objects to this request as premature since discovery has just
16 commenced and unduly burdensome in that Defendants have not provided any
17 discovery in support of an obviousness defense. Further, to the extent that this Request
18 seeks documents including prior attempts and failures, or long felt need or initial
19 skepticism after May 1, 1990, Ricoh objects to this Request as not reasonably relevant to a
20 claim or defense of any party. Ricoh further objects to this Request to the extent that it
21 seeks documents that are not in Ricoh's possession, custody or control, including
22 (without limitation) any such documents of third parties. However, subject to and
23 without waiving the Objections to Definitions and Instructions and foregoing objections,
24 Ricoh will produce any responsive, non-privileged documents in its possession, custody
25 or control relating to the '432 that can be located after a reasonable search.

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1 **REQUEST NO. 28:**2 All documents regarding, referring or relating to Ricoh's policies for
3 maintenance, destruction or retention of documents or files.4 **RESPONSE:**5 Subject to and without waiving the objections to Definitions and Instructions,
6 Ricoh will produce any representative, responsive, non-privileged documents in its
7 possession, custody or control that can be located after a reasonable search.9 **REQUEST NO. 29:**10 All documents relating to any communications by Ricoh, its counsel, or agents
11 and persons recruited to offer opinions and information regarding design synthesis
12 technologies prior to initiation of the present lawsuit, including communications with
13 James Davis, Donald Thomas and Giovanni De Micheli.15 **RESPONSE:**16 Ricoh objects to this Request as overly broad and not reasonably relevant to a
17 claim or defense of any party to the extent it seeks documents regarding, referring or
18 relating to communications that are not the subject of this litigation. For example, the
19 request as worded seeks all communications by Ricoh's counsel on any topic and for any
20 client. The request, therefore, is vague, indefinite, confusing and overly broad. Ricoh
21 further objects to this Request to the extent it seeks documents subject to attorney client,
22 work product or other privilege. Ricoh further objects to this Request as premature since
23 discovery has just commenced and to the extent it requests Ricoh to identify and produce
24 documents from experts. Ricoh will identify and produce information from and about
25 experts to which Defendants are entitled in accordance with the Federal Rules and
26 consistent with the Scheduling Order in this case. However, subject to and without
27 waiving the Objections to Definitions and Instructions and foregoing objections, Ricoh

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1 will produce any responsive, non-privileged documents in its possession, custody or
2 control relating to the '432 that can be located after a reasonable search.

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4 **REQUEST NO. 30:**

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6 All documents constituting or relating to any communications between any of
7 Ricoh, International Chip Corporation, Knowledge Based Silicon, Hideaki Kobayashi,
8 Masahiro Shindo, James Davis and any other party regarding licensing of the Kobayashi
9 Patents or the technologies discussed in those patents.

10 **RESPONSE:**

11

12 Ricoh objects to this Request as overly broad and not reasonably relevant to a
13 claim or defense of any party to the extent it seeks documents regarding, referring or
14 relating to patents or technologies discussed in patents that are not asserted in this
15 litigation. In responding to this Request, Ricoh has construed "Kobayashi Patents" to
16 mean the '432 patent. Ricoh further objects to the extent the request seeks all
17 communications regarding the "technologies" in the patents as being vague and
18 indefinite, unlimited to any time period and overly broad. For example, does the request
19 seek all communications Ricoh has had with any party at any time with respect to any of
20 the Ricoh products made using a process covered by one or more claims of the '432
21 patent? Ricoh also objects to this Request to the extent it seeks documents that are not in
22 Ricoh's possession, custody or control, including (without limitation) any such
23 documents of third parties. However, subject to and without waiving the Objections to
24 Definitions and Instructions and foregoing objections, Ricoh will produce any
25 responsive, non-privileged documents in its possession, custody or control relating to the
26 '432 that can be located after a reasonable search.

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1 **REQUEST NO. 31:**

2 All documents referring or relating to a meeting between representatives of
3 Knowledge Based Silicon Corporation and representatives of Synopsys, Inc., held at the
4 time of the 1991 ACM/IEEE Design Automation Conference in San Francisco, California.

5 **RESPONSE:**

6 Ricoh objects to this Request to the extent it seeks documents of third parties
7 (including, without limitation, documents of third party representatives of Knowledge
8 Based Silicon Corporation) not in Ricoh's possession, custody or control related to the
9 '432 that can be located after a reasonable search. Subject to and without waiving the
10 foregoing and Objections to Definitions and Instructions, Ricoh will produce any
11 responsive, non-privileged documents in its possession, custody or control relating to the
12 '432 that can be located after a reasonable search.

13
14 **REQUEST NO. 32:**

15 All documents consulted, reviewed and/or relied on in responding to any
16 Interrogatory in this action.

17 **RESPONSE:**

18 Subject to and without waiving the Objections to Definitions and Instructions
19 and the objections set forth in Ricoh's responses to interrogatories and any other
20 objections, Ricoh will produce any responsive, non-privileged documents in its
21 possession, custody or control relating to the '432 that can be located after a reasonable
22 search.

23
24 **REQUEST NO. 33:**

25 All documents regarding, referring, or relating to the relationship between Ricoh
26 and International Chip Corporation ("ICC"), including but not limited to, any contractual
27 or financial relationship between Ricoh and ICC.

1 **RESPONSE:**

2 Ricoh objects to this Request as overly broad and not reasonably relevant to a
3 claim or defense of any party to the extent it seeks documents and things related to the
4 subject matter of patents not asserted in this litigation. Subject to and without waiving
5 the Objections to Definitions and Instructions and foregoing objections, Ricoh will
6 produce any responsive, non-privileged documents in its possession, custody or control
7 relating to the '432 that can be located after a reasonable search.

8

9 **REQUEST NO. 34:**

10 All documents regarding, referring, or relating to any projects, including research
11 and development projects, which were the result of or based upon the relationship
12 between Ricoh and ICC.

13 **RESPONSE:**

14 Ricoh objects to this Request as overly broad and not reasonably relevant to a
15 claim or defense of any party to the extent it seeks documents and things related to the
16 subject matter of patents not asserted in this litigation. In response to this request, Ricoh
17 has construed "projects, including research and development projects, which were the
18 result of or based upon the relationship between Ricoh and ICC" to mean generally the
19 inventions recited in claims 13-20 of the '432 patent. Subject to and without waiving the
20 Objections to Definitions and Instructions and foregoing objections, Ricoh will produce
21 any responsive, non-privileged documents in its possession, custody or control relating
22 to the '432 that can be located after a reasonable search.

23

24 **REQUEST NO. 35:**

25 All documents regarding, referring, or relating to the design, development and
26 operation of any product or system that resulted from or was based on joint development
27 work between Ricoh and ICC.

28

1 **RESPONSE:**

2 Ricoh objects to this Request as overly broad and not reasonably relevant to a
3 claim or defense of any party to the extent it seeks documents and things related to the
4 subject matter of patents not asserted in this litigation. In response to this request, Ricoh
5 has construed "any product or system that resulted from or was based on joint
6 development work between Ricoh and ICC" to mean generally the inventions recited in
7 claims 13-20 of the '432 patent. Subject to and without waiving the Objections to
8 Definitions and Instructions and foregoing objections, Ricoh will produce any
9 responsive, non-privileged documents in its possession, custody or control relating to the
10 '432 that can be located after a reasonable search.

11

12 **REQUEST NO. 36:**

13 All documents regarding, referring, or relating to the relationship between
14 Ricoh and Knowledge Based Silicon Corporation ("KBS"), including but not limited to,
15 any contractual or financial relationship between Ricoh and KBS.

16 **RESPONSE:**

17 Ricoh objects to this Request as overly broad and not reasonably relevant to a
18 claim or defense of any party to the extent it seeks documents and things related to the
19 subject matter of patents not asserted in this litigation. Subject to and without waiving
20 the Objections to Definitions and Instructions and foregoing objections, Ricoh will
21 produce any responsive, non-privileged documents in its possession, custody or control
22 relating to the '432 that can be located after a reasonable search.

23

24 **REQUEST NO. 37:**

25 All documents regarding, referring, or relating to any projects, including research
26 and development projects, which were the result of or based upon the relationship
27 between Ricoh and KBS.

28

1 **RESPONSE:**

2 Ricoh objects to this Request as overly broad and not reasonably relevant to a
 3 claim or defense of any party to the extent it seeks documents and things related to the
 4 subject matter of patents not asserted in this litigation. In response to this request, Ricoh
 5 has construed "projects, including research and development projects, which were the
 6 result of or based upon the relationship between Ricoh and KBS" to mean generally the
 7 inventions recited in claims 13-20 of the '432 patent. Subject to and without waiving the
 8 Objections to Definitions and Instructions and foregoing objections, Ricoh will produce
 9 any responsive, non-privileged documents in its possession, custody or control relating
 10 to the '432 that can be located after a reasonable search.

11

12 **REQUEST NO. 38:**

13 All documents regarding, referring, or relating to the design, development and
 14 operation of any product or system that resulted from or was based on joint development
 15 work between Ricoh and KBS.

16 **RESPONSE:**

17 Ricoh objects to this Request as overly broad and not reasonably relevant to a
 18 claim or defense of any party to the extent it seeks documents and things related to the
 19 subject matter of patents not asserted in this litigation. In response to this request, Ricoh
 20 has construed "joint development work between Ricoh and KBS" to mean generally the
 21 inventions recited in claims 13-20 of the '432 patent. Subject to and without waiving the
 22 Objections to Definitions and Instructions and foregoing objections, Ricoh will produce
 23 any responsive, non-privileged documents in its possession, custody or control relating
 24 to the '432 that can be located after a reasonable search.

25

26 **REQUEST NO. 39:**

27 All documents regarding, referring, or relating to any communications or
 28 agreements between Ricoh and ICC regarding the use of intellectual property including,

1 but not limited to, any agreement regarding the assertion of U.S. Patent Nos. 4,922,432 or
2 5,197,016 (the '432 and '016 patents respectively) or regarding payment of any
3 maintenance fees associated with these patents.

4 **RESPONSE:**

5 Ricoh objects to this Request as overly broad and not reasonably relevant to a
6 claim or defense of any party to the extent it seeks documents and things related to the
7 subject matter of patents not asserted in this litigation. Subject to and without waiving
8 the Objections to Definitions and Instructions and foregoing objections, Ricoh will
9 produce any responsive, non-privileged documents in its possession, custody or control
10 relating to the '432 that can be located after a reasonable search.

11

12 **REQUEST NO. 40:**

13 All documents regarding, referring, or relating to any communications or
14 agreements between Ricoh and KBS regarding the use of intellectual property including,
15 but not limited to, any agreement regarding the assertion of the '432 and '016 patents or
16 regarding the payment of any maintenance fees associated with these patents.

17 **RESPONSE:**

18 Ricoh objects to this Request as overly broad and not reasonably relevant to a
19 claim or defense of any party to the extent it seeks documents and things related to the
20 subject matter of patents not asserted in this litigation. Subject to and without waiving
21 the Objections to Definitions and Instructions and foregoing objections, Ricoh will
22 produce any responsive, non-privileged documents in its possession, custody or control
23 relating to the '432 that can be located after a reasonable search.

24

25 **REQUEST NO. 41:**

26 All documents regarding, referring, or relating to the design, development, and
27 operation of the KBSC system described in the '432 patent.

28

1 **RESPONSE:**

2 Ricoh objects to this Request as overly broad and not reasonably relevant to a
3 claim or defense of any party to the extent it seeks documents and things related to the
4 subject matter of patents not asserted in this litigation. Ricoh further objects to this
5 Request to the extent it seeks documents that are not in Ricoh's possession, custody or
6 control, including (without limitation) any such documents of third persons. Subject to
7 and without waiving the Objections to Definitions and Instructions and foregoing
8 objections, Ricoh will produce any responsive, non-privileged documents in its
9 possession, custody or control relating to the '432 that can be located after a reasonable
10 search.

11

12 **REQUEST NO. 42:**

13 All documents regarding, referring, or relating to the design, development, and
14 operation of the EDSIM described in the '432 patent.

15 **RESPONSE:**

16 Ricoh objects to this Request as overly broad and not reasonably relevant to a
17 claim or defense of any party to the extent it seeks documents and things related to the
18 subject matter of patents not asserted in this litigation. Ricoh further objects to this
19 Request to the extent it seeks documents that are not in Ricoh's possession, custody or
20 control, including (without limitation) any such documents of third persons. Subject to
21 and without waiving the Objections to Definitions and Instructions and foregoing
22 objections, Ricoh will produce any responsive, non-privileged documents in its
23 possession, custody or control relating to the '432 that can be located after a reasonable
24 search.

25

26 **REQUEST NO. 43:**

27 All documents regarding, referring, or relating to the design, development, and
28 operation of the PSCS program described in the '432 patent.

1 **RESPONSE:**

2 Ricoh objects to this Request as overly broad and not reasonably relevant to a
3 claim or defense of any party to the extent it seeks documents and things related to the
4 subject matter of patents not asserted in this litigation. Ricoh further objects to this
5 Request to the extent it seeks documents that are not in Ricoh's possession, custody or
6 control, including (without limitation) any such documents of third persons. Subject to
7 and without waiving the Objections to Definitions and Instructions and foregoing
8 objections, Ricoh will produce any responsive, non-privileged documents in its
9 possession, custody or control relating to the '432 that can be located after a reasonable
10 search.

11

12 **REQUEST NO. 44:**

13 All documents regarding, referring, or relating to the design, development, and
14 operation of any product, or proposed product, developed under the name "REX."

15 **RESPONSE:**

16 Ricoh objects to this Request as overly broad and not reasonably relevant to a
17 claim or defense of any party to the extent it seeks documents and things related to the
18 subject matter of patents not asserted in this litigation. Ricoh further objects to this
19 Request to the extent it seeks documents that are not in Ricoh's possession, custody or
20 control, including (without limitation) any such documents of third persons. Subject to
21 and without waiving the Objections to Definitions and Instructions and foregoing
22 objections, Ricoh will produce any responsive, non-privileged documents in its
23 possession, custody or control relating to the '432 that can be located after a reasonable
24 search.

25

26 **REQUEST NO. 45:**

27 All documents regarding, referring, or relating to the design, development, and
28 operation of any product, or proposed product, developed under the name "CAKE."

1 **RESPONSE:**

2 Ricoh objects to this Request as overly broad and not reasonably relevant to a
3 claim or defense of any party to the extent it seeks documents and things related to the
4 subject matter of patents not asserted in this litigation. Ricoh further objects to this
5 Request to the extent it seeks documents that are not in Ricoh's possession, custody or
6 control, including (without limitation) any such documents of third persons. Subject to
7 and without waiving the Objections to Definitions and Instructions and foregoing
8 objections, Ricoh will produce any responsive, non-privileged documents in its
9 possession, custody or control relating to the '432 that can be located after a reasonable
10 search.

11

12 **REQUEST NO. 46:**

13 All documents regarding, referring, or relating to any attempts to license, or
14 obtain other payment in connection with, any of the '432 and '016 patents, or patents
15 claiming priority from the same applications as the '432 and '016 patents.

16 **RESPONSE:**

17 Ricoh objects to this Request as overly broad and not reasonably relevant to a
18 claim or defense of any party to the extent it seeks documents and things related to the
19 subject matter of patents not asserted in this litigation. Ricoh further objects to this
20 Request to the extent it seeks documents that are not in Ricoh's possession, custody or
21 control, including (without limitation) any such documents of third persons. Subject to
22 and without waiving the Objections to Definitions and Instructions and foregoing
23 objections, Ricoh will produce any responsive, non-privileged documents in its
24 possession, custody or control relating to the '432 that can be located after a reasonable
25 search.

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1 **REQUEST NO. 47:**

2 All documents relating to commercial and/or business transactions between Ricoh
3 Company, Ltd. and any subsidiary organized to do business in California, including, but
4 not limited to, Ricoh Corporation, Ricoh Business Systems, Inc., Ricoh Silicon Valley, Inc.,
5 and Ricoh Electronics, Inc.

6 **RESPONSE:**

7 Ricoh objects to this Request as overly broad and not reasonably relevant to a
8 claim or defense of any party to the extent it seeks documents and things related to the
9 subject matter of patents not asserted in this litigation. Ricoh further objects to this
10 Request to the extent it seeks documents that are not in Ricoh's possession, custody or
11 control, including (without limitation) any such documents of third persons. Subject to
12 and without waiving the Objections to Definitions and Instructions and foregoing
13 objections, Ricoh will not produce any documents responsive to this request.

14

15 **REQUEST NO. 48:**

16 Documents sufficient to identify the source of revenues for any subsidiary of
17 Ricoh engaging in business in California, including but not limited to Ricoh Corporation,
18 Ricoh Business Systems, Inc., Ricoh Silicon Valley, Inc., and Ricoh Electronics, Inc. This
19 production should include documents sufficient to identify the products sold (including
20 model and volume) in each of the last five years.

21 **RESPONSE:**

22 Ricoh objects to this Request as overly broad and not reasonably relevant to a
23 claim or defense of any party to the extent it seeks documents and things related to the
24 subject matter of patents not asserted in this litigation. Ricoh further objects to this
25 Request to the extent it seeks documents that are not in Ricoh's possession, custody or
26 control, including (without limitation) any such documents of third persons. Subject to
27 and without waiving the Objections to Definitions and Instructions and foregoing
28 objections, Ricoh will not produce any documents responsive to this request.

1 **REQUEST NO. 49:**

2 Documents relating to the formation, organization, business goals, mandate and
3 corporate charter of any subsidiary of Ricoh Company, Ltd. engaged in business in
4 California, including but not limited to Ricoh Corporation, Ricoh Business Systems, Inc.,
5 Ricoh Silicon Valley, Inc., and Ricoh Electronics, Inc.

6 **RESPONSE:**

7 Ricoh objects to this Request as overly broad and not reasonably relevant to a
8 claim or defense of any party to the extent it seeks documents and things related to the
9 subject matter of patents not asserted in this litigation. Ricoh further objects to this
10 Request to the extent it seeks documents that are not in Ricoh's possession, custody or
11 control, including (without limitation) any such documents of third persons. Subject to
12 and without waiving the Objections to Definitions and Instructions and foregoing
13 objections, Ricoh will not produce any documents responsive to this request.

14

15 **REQUEST NO. 50:**

16 Documents sufficient to identify the amount of any cash flows, dividends,
17 transfers or other payments between any subsidiary of Ricoh Company, Ltd. engaged in
18 business in California (including, but not limited to, Rich Corporation, Ricoh Business
19 Systems, Inc., Ricoh Silicon Valley, Inc., and Ricoh Electronics, Inc.), and Ricoh Company,
20 Ltd. or any subsidiary, direct or indirect, of Ricoh Company, Ltd.

21 **RESPONSE:**

22 Ricoh objects to this Request as overly broad and not reasonably relevant to a
23 claim or defense of any party to the extent it seeks documents and things related to the
24 subject matter of patents not asserted in this litigation. Ricoh further objects to this
25 Request to the extent it seeks documents that are not in Ricoh's possession, custody or
26 control, including (without limitation) any such documents of third persons. Subject to
27 and without waiving the Objections to Definitions and Instructions and foregoing
28 objections, Ricoh will not produce any documents responsive to this request.

1 **REQUEST NO. 51:**

2 All communications between executives of any subsidiary of Ricoh Company, Ltd.
3 engaged in business in California (including, but not limited to, Ricoh Corporation, Ricoh
4 Business Systems, Inc., Ricoh Silicon Valley, Inc. and Ricoh Electronics, Inc.) and persons
5 employed by, or otherwise associated with, Ricoh Company, Ltd., or any other
6 subsidiary, direct or indirect, of Ricoh Company, Ltd. relating to any of:
7 • business transactions,
8 • transfers of goods, or
9 • transfers of money

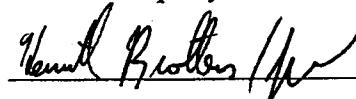
10 between Ricoh Company, Ltd. and any subsidiary or between any two subsidiaries.

11 **RESPONSE:**

12 Ricoh objects to this Request as overly broad and not reasonably relevant to a
13 claim or defense of any party to the extent it seeks documents and things related to the
14 subject matter of patents not asserted in this litigation. Ricoh further objects to this
15 Request to the extent it seeks documents that are not in Ricoh's possession, custody or
16 control, including (without limitation) any such documents of third persons. Subject to
17 and without waiving the Objections to Definitions and Instructions and foregoing
18 objections, Ricoh will not produce any documents responsive to this request.

19
20 Dated: December 22, 2003

Respectfully submitted,
Ricoh Company, Ltd.



21
22 :
23 Gary M. Hoffman
24 Kenneth W. Brothers
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26 OSHINSKY LLP
27 2101 L Street, NW
28 Washington, DC 20037-1526
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16 ATTORNEYS FOR DEFENDANT
17 RICOH COMPANY, LTD.

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28

PROOF OF SERVICE

CASE: *Synopsys, Inc. v. Ricoh Company, Ltd.*

3 | CASE NO: U.S. District Court, N.D. Cal., No. C03-2289 MJJ

4 I am employed in the City and County of San Francisco, California. I am over the age
5 of eighteen years and not a party to the within action; my business address is 177 Post Street,
Suite 300, San Francisco, California 94108. On December 22, 2003, I served the following
document(s):

**RICOH'S RESPONSE TO SYNOPSYS' FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS (1-51)**

8 on the parties, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below for service as designated below:

9
10 By First Class Mail: I caused each such envelope, with first-class postage thereon fully
11 prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San
Francisco, California, for collection and mailing to the office of the addressee on the
date shown herein following ordinary business practices.

12 || and

13 By Facsimile: I caused such document to be served via facsimile electronic equipment
14 transmission (fax) on the parties in this action by transmitting a true copy to the
following fax number(s):

15 ADDRESSEE **PARTY**

16 Christopher L. Kelley, Esq.
17 Erik K. Moller, Esq.
18 Teresa M. Corbin, Esq.
19 Howrey Simon Arnold & White LLP
301 Ravenswood Avenue
Menlo Park, CA 94025
Facsimile: 650/463-8400

Attorneys for Plaintiff
Synopsys, Inc.

20 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this December 22, 2003, at San Francisco, California.

Edward Lin

EXHIBIT F

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L Street NW • Washington, DC 20037-1526
Tel (202) 785-9700 • Fax (202) 887-0689
Writer's Direct Dial: (202) 429-2184
E-Mail Address: BrothersK@dsmlaw.com

July 28, 2004

BY FACSIMILE AND U.S. MAIL
(650) 463-8400

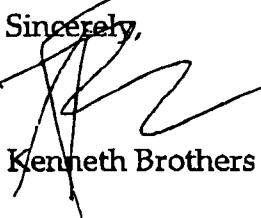
Matthew E. Hocker, Esq.
Howrey Simon Arnold & White, LLP
301 Ravenswood Avenue
Menlo Park, CA 94025

Re: *Synopsys Inc. v. Ricoh Company, Ltd*
Ricoh Company, Ltd. v. Aeroflex Incorporated, et al.
Our Ref.: R2180.0171

Dear Matt:

Last Friday, I agreed to check with Ricoh to determine whether it had any version of the Knowledge Based Silicon Compiler software that Ricoh may have received from International Chip Corporation. It is further my understanding that you were preferably seeking an executable version and source code version circa 1987. During our meet and confer yesterday, I advised you that, to date, Ricoh has been unable to locate a copy of that software. Because Ricoh has been unable to locate this software, we think that Synopsys' motion to compel its production is not only improper for the many reasons we discussed yesterday, but would be futile.

Please be advised that, if Synopsys seeks to compel production of this software, Ricoh will file a conditional cross-motion to compel production of all versions of the source code and executable versions (including any attendant files) of the Synopsys software that Ricoh identified in Section 3-1(f) of the joint claim construction statement. I have already had a meet and confer with Tom Mavrakakis with respect to this software, but I also am agreeable to adding it to the agenda for tomorrow's meet and confer.

Sincerely,

Kenneth Brothers

cc: Gary Hoffman, Esq.
Edward A. Meilman, Esq.
Jeffrey Demain, Esq.

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Tel (212) 835-1400 • Fax (212) 997-9880
www.DicksteinShapiro.com



FAX TRANSMISSION

DATE: July 28, 2004
CLIENT NO.: R2180.0171



MESSAGE TO: Matthew E. Hocker
COMPANY: Howrey Simon Arnold & White LLP
FAX NUMBER: (650) 463-8400
PHONE: (650) 463-8100
FROM: Kenneth W. Brothers
PHONE: (202) 429-2184

PAGES (Including Cover Sheet): 2 HARD COPY TO FOLLOW: YES NO

SENT BY:		DATE/TIME:	
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MESSAGE:

If your receipt of this transmission is in error, please notify this firm immediately by collect call to our Facsimile Department at 202-861-9106, and send the original transmission to us by return mail at the address below.

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